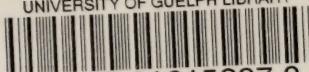


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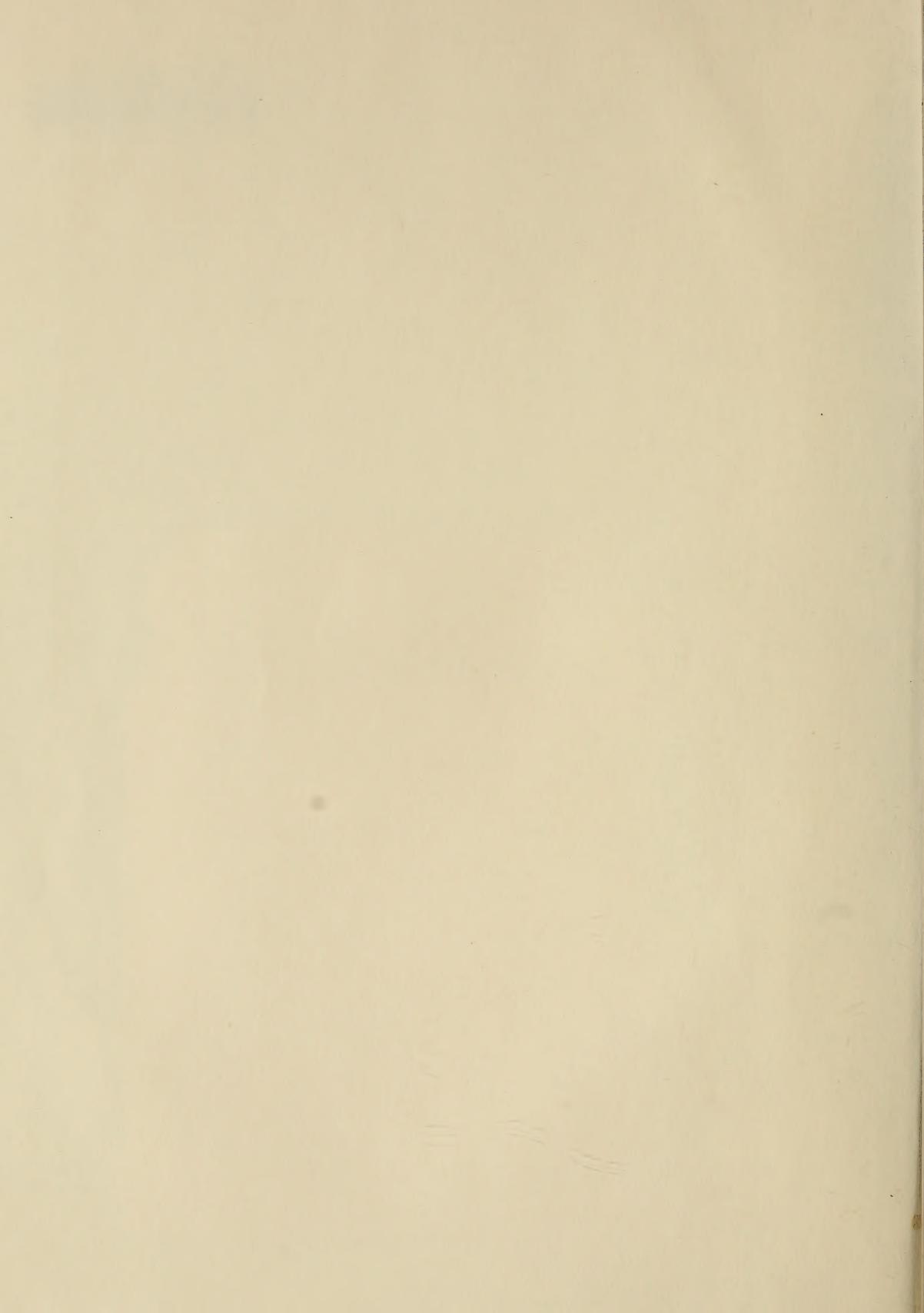
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ANCIENT LAWS AND CUSTOMS  
OF  
THE BURGHS OF SCOTLAND.



# ANCIENT LAWS AND CUSTOMS

OF

## THE BURGHS OF SCOTLAND.

VOL. II. A.D. 1424-1707.

24



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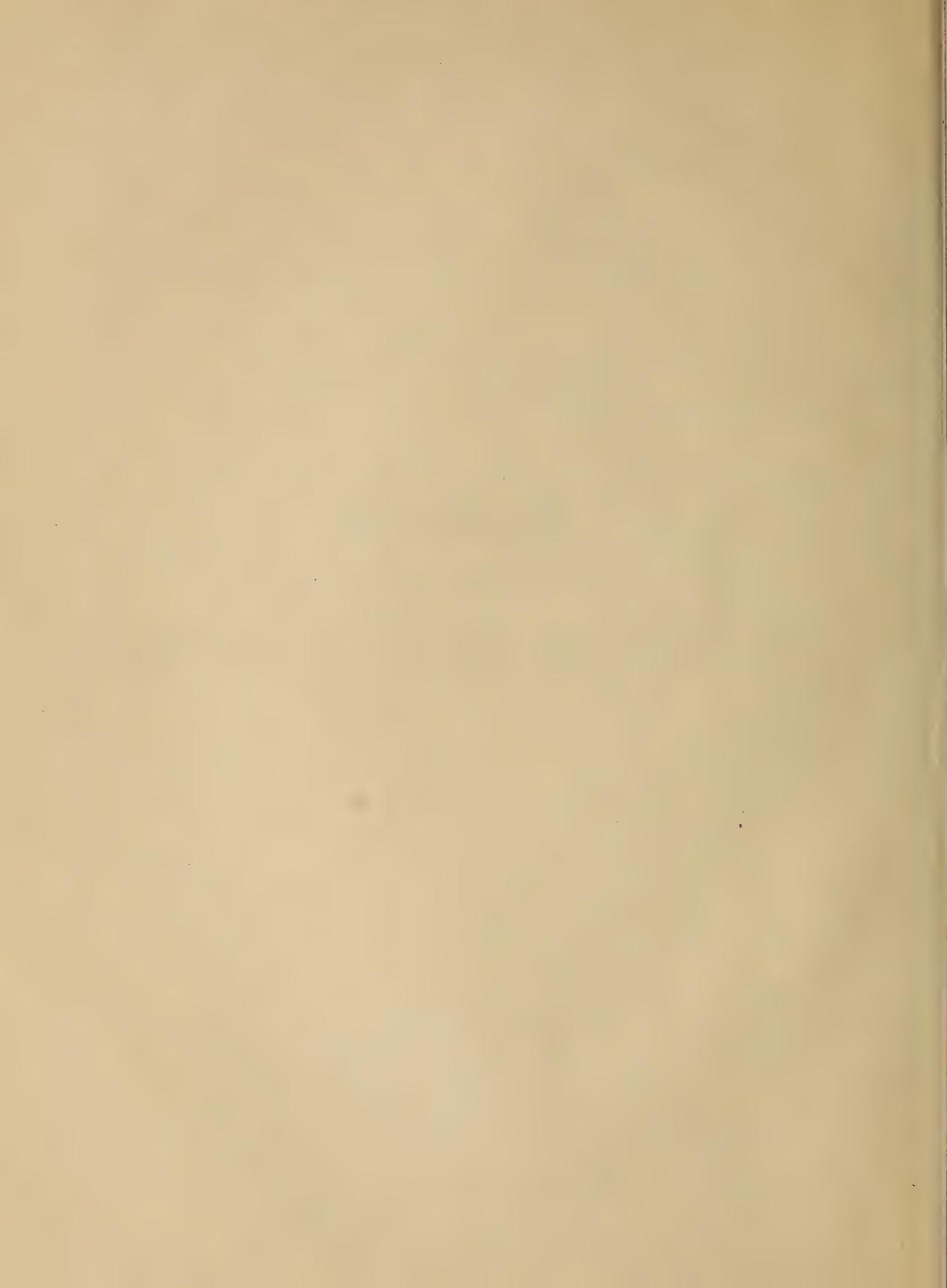
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## PREFACE.



HORTLY after the issue of *Ancient Laws and Customs of the Burghs of Scotland, 1124-1424*, the preparation of a second volume was begun, but after forty-eight pages had been printed off a halt was made, and, for reasons which cannot now be explained, the work was not resumed by its editor, Professor Cosmo Innes, or by Sir James Marwick, who had assisted in the editing of both volumes up to the stage at which the printing was abruptly stopped. That the book was left by its originators in this fragmentary condition is the more to be regretted, when it is remembered that if completed by them it would probably have embraced a learned commentary in continuation of that which enriches the first volume. In view, however, of the work having proceeded so far it has been thought desirable to continue the selections according to what appears to have been the original design, and thus to bring together all the legislation bearing specially on royal burghs down to the Union of the Kingdoms.

Previous to 1424, when the present volume commences, the laws and customs forming the distinguishing features in the constitution of royal burghs had for some time been in operation, and the statutes passed subsequent to that date, though sometimes introducing changes in system, are mainly directed towards the maintenance and regulation of the privileges and responsibilities of the burghs as originally established. One of the more notable innovations consisted of an alteration in the

old law under which the magistrates were appointed to be elected by the good men of the town, meaning, apparently, the whole body of the burgesses.<sup>1</sup> In 1469, Parliament, taking into account the great trouble and contention arising at the annual elections “throw multitud and clamor of commonis sympil personis,” directed that in future the old council should choose the new, and that the old and new councils combined should choose the magistrates and office bearers (p. 32). It is known that, notwithstanding the new regulation, the former system of election was continued in some burghs for a long time after 1469; and even when, in course of time, the principle of self-election prevailed in all the burghs, strict uniformity of procedure was not secured. From the “setts” of the several burghs, collected in 1711, considerable diversity in the mode of carrying through the annual elections was disclosed.<sup>2</sup>

On account of the frequent renewal of particular statutes, the passing of which could be brought to the knowledge of the lieges in general by no more effective means than proclamation at a Market Cross (pp. 21, 50), it may be inferred that they did not always meet with due attention at their first promulgation. Perhaps, also, periodic repetition was resorted to as an intimation to all concerned that the enactments dealt with had not been “abrogate by contrair custome” (p. 148). During each reign, and sometimes more than once in a reign, the privileges of the royal burghs were ratified, and by the Treaty of Union they were specially reserved (p. 171). Trading in home and foreign commodities, regulations as to shipping and sea ports, fishing traffic, equipment for defence and appearance at weaponshawings, suppression of vagrancy and vice, maintenance of the poor, and upkeep of prisons and correctionhouses, were among the other recurring subjects of burghal legislation.

<sup>1</sup> Vol. I., p. 34.

<sup>2</sup> *Miscellany of Scottish Burgh Records Society*, pp. lxii-lxxx, 159-295.

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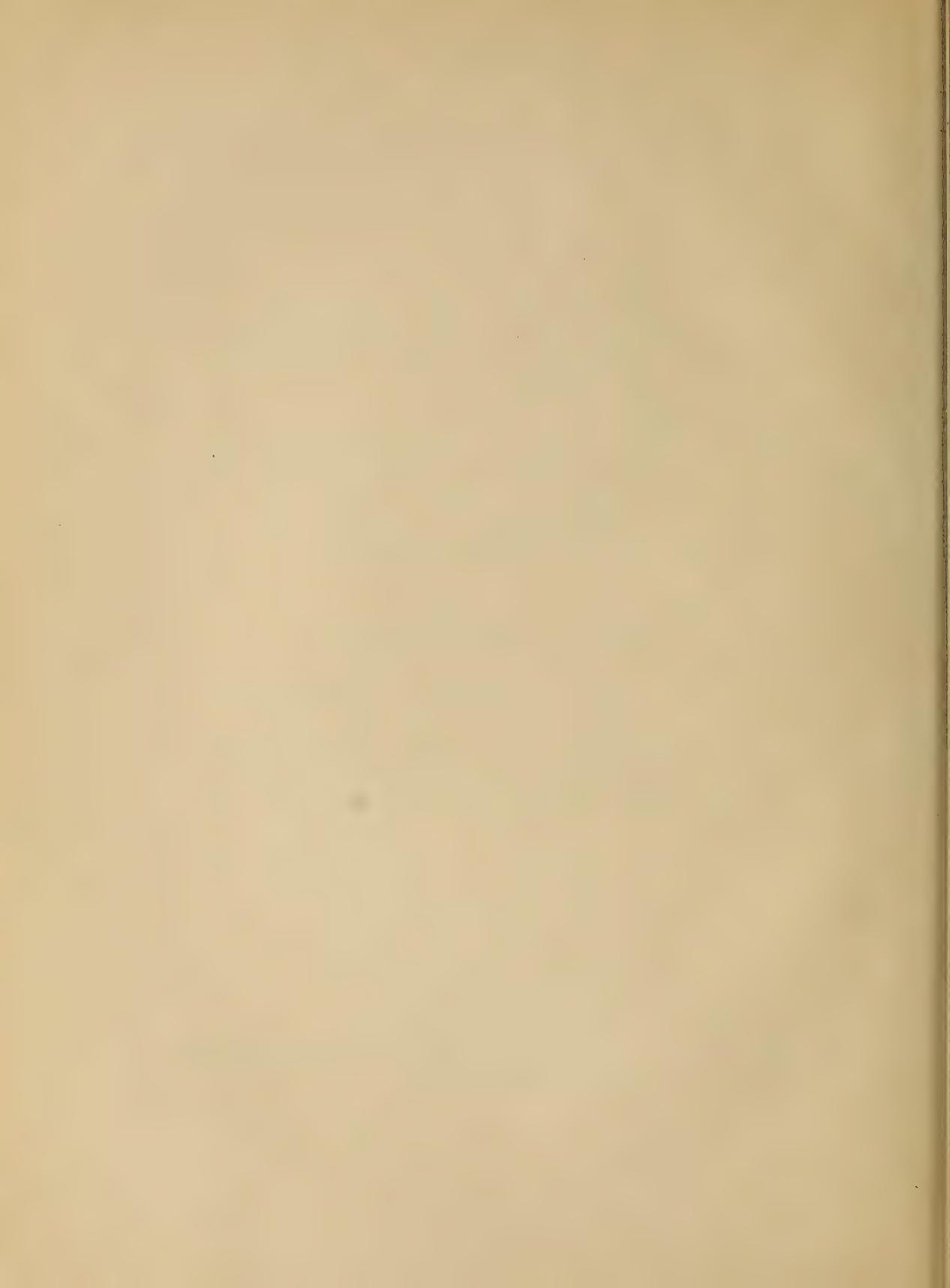
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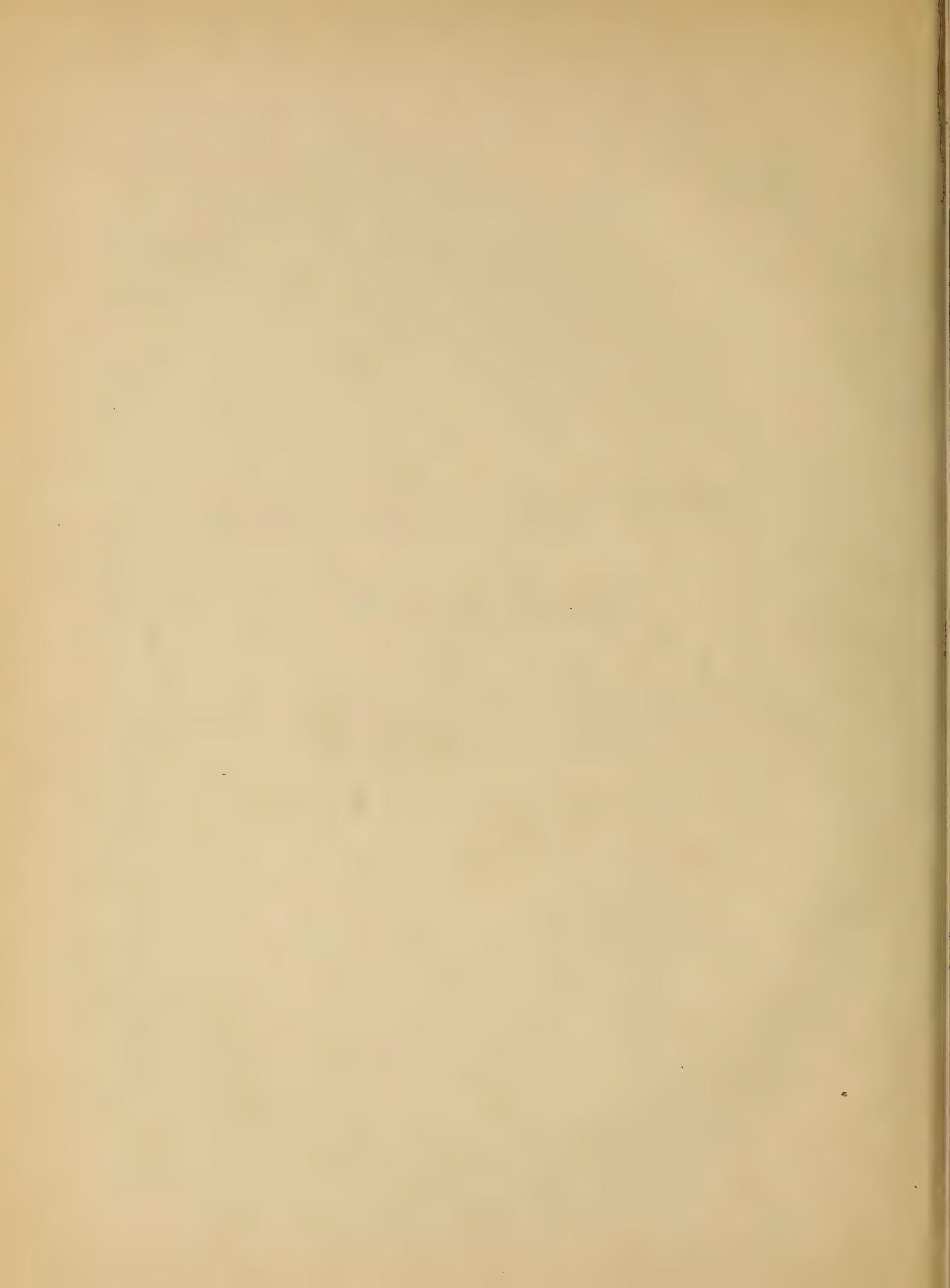
## CORRECTIONS AND ADDITIONS.

Page 37, line 9. *For "Sealez" read "Scalez."*  
 ,, 47 „ 6. *For "Mare, oure," read "Mare oure."*  
 „ 178, *voce CHAPIS* *For "cheap prices," read "ordinary or established prices."*  
 „ 179. *Add to Glossary—FOR WHY (10), because.*



ACTA PARLIAMENTORUM  
REGNI SCOTIAE.

[ACTS OF THE PARLIAMENTS OF THE REALM OF SCOTLAND  
IN SO FAR AS CONCERNS THE BURGHS.]



## ACTA REGIS JACOBI PRIMI.

---

### THE PARLIAMENT HELD AT PERTH, 26TH MAY 1424.

Of a general yelde to be rasit for the payment of the finance to be made in Ingland  
for our Lord the Kingis costage.

1. ITEM, it is consentyt throu the thre estatis of the realme that for the payment of the fynance to be maid in Inglande for our Lord the Kingis costage and the deliuernace of his hostagis beande in Inglande, thar salbe rasyt a general yelde or ma gif it misteris throu the haile kinryk, alsueill of the regalities as of vthir landis; for it war grevous and chargeande on the commonys to rais the haill fynance at anys. It is accordit that a yelde be raisit, that is to say xij d. of ilk pvnde of all the landis, rentis, malys and gudis of Lordis within thar propyr demanys baith corne and catalle, bot for the extent of the propyr demanys thai soll noct pay drawyne oxen, riddyne horsis, and vtensillis of housis allanerly outtane; and the burgesis in lik maner of thar gudis and rentis.

2. THIS is the maner that landis and gudis salbe taxit, that the schiref within his schirefdom soll gar call before him all the baronys and frehaldaris of the King and with consale of thame he soll cheis lele men and discret and sik as he will ansuere for, the whilkis soll byde

A.D. 1424.

knowledge before the King gif thai haif done thair deuoir at the end of the taxacione, and that als mony personys as may sufficiently extent the cuntrie an na ma for eschewing of costis. Item, that all schirefis be sworne to the King or his deputis that thai sall lelely and treuly ger this extent be fullfillit of all the landis and gudis in forme as is abone writyne. And that the extentouris salbe sworn before the baronys of the schirefdome that thai sall do thar full power to the saide extent ; and at thai sall haif with thame the parroche preist, and that he be chargyt be his bischop to inform thaim lelely of all the gudis of the parrochyne.

3. ALSUA, anentis the taxacione of burgessis gudis and rentis it is sene spedfull that ilk aulderman and bailyeis of buowys call befor thame the burgessis and ger cheis lele and trewe men in maner as is befor saide, takande with thame the curate of the toune chargit be the gret aithe throwe the bischope. . . . Alsua the prelatis the schirefis the auldermen of townys sall taxt and ordane the costis of all officiaris that sall labour about this yeilde raysing be thar lautee that thai aucht to the King. And thar costis to be tane on the haill taxt. . . . Alsua that the schiref depute certane men to be with the bailyeis and taxatouris of the burovis, to see that all maner of gudis, alsueill corn catall as vthir gudis, be lelely taxit and presentit to the auditouris ordanyt therto till appeir at Perthe the xij day of the moneth of Julij nixt to cum. . . .

Of hostilaris in burrowis townis and thruchfaris.

4. ITEM, it is ordanyt that in all burowis townys of the realme and thruchfaris whar common passagis are, that thar be ordanyt hostilaris and resetters, haifande stabilis and chawmeris to ridaris and gangaris. And at men fynde with thame brede and aile and all vthir fuyde alsueill to horsis as men, for resonabile price efter as the chapis of the cuntrie standis.

Of chevisance to be maide in Flanderis for payment of the finance for the Kingis costage.

5. ALSUA, the commissaris of the burovys, in the name of the haill merchandis of the realme, has tane on hande and hecht to mak the first payment of our Lorde the Kingis finance, that is to say xx thousand

A.D. 1424. nobillis Inglis, sua that na strangearis by na haif away the merchandice of the land at vthir menis handis na tharis, takande fra our Lord the King allanerly ij s. of thar lionis for a nobill Inglis, to be pait to thame of yeilde to be raisyt. And for the saide first payment of the finance may nocht be maid but chevisance of Flanderis, to help and furthir with commissaris, our Lord the King sall sende his commissaris of burrows in Flanderis to mak this chevisance, to whais expens the burgessis shall pay iij<sup>e</sup> nobilis, sua that what costagis be maide apone the saide chevisance be payit of the haill yeilde now to be raisyt, and gif the Kingis commissaris and the burovys baronys beande togidder can nocht mak the chevisance, what chevisance be maide throwe the Kingis commissaris the burgessis ar oblist to freithe thame and mak the first payment, and thai sall haif it agane of the haill yeilde.

## THE PARLIAMENT HELD AT PERTH, 12TH MARCH 1424.

## Of dekynis of craftis.

1. ITEM, it is ordanyt that in ilk tovne of the realme of ilk sindry craft vsyt tharin, thar be chosyn a wyse man of thar craft be the layff of that craft and be the covnsall of the officiaris of the tovne, the whilk sall be haldyn dekyn or maister man oure the laiff for the tyme till hym assignyt, till assay and gourne all werkis that beis maide be the werkmen of his craft, sua that the Kingis liegis be nocht defraudyt and seathyt in tyme to cum as thai haue bene in tyme bygane throch vntrew men of craftis.

## Of thiggaris.

2. ITEM, it is ordanyt that na thiggar be thollyt to thyg nother in burghe nor to land betuix xiiij and lxx yeris of age, bot thai be sene be the consall of the tovn or the commouns of the cuntry that thai may nocht wyn thar leffing otherwayis. And thai that sa beis fundyn sall haue a certane takyn to landwart of the schireff, and in burowis of the aldermene and the balyeis. And all vthir personys haifande na taikynis, nother of lande na of burghe, salbe chargyt be oppin proclamacioun to laubour and to pas to craftis for wynning of thar leving, and that vnder payn of birninge on the cheyk and bannyssing of the cuntry.

Of wapynschawingis.

A.D. 1425.

4. ITEM, it is ordanyt that in ilk schirefdome of the realme thare be maid wapynschawingis four tymis in the yere.

## THE PARLIAMENT HELD AT PERTH, 11TH MARCH 1425.

Anent hostelaris in boroustounis and throughfaris.

1. ITEM, in the way that hostelaris in boroustounis ande throughfaris menys thaim to the King that his liegis traualande in the realme when thai cum to borowis or throughfaris, herberys thaim nocth with hostelaris bot with thare acquaintance and frendis, the King, of deliuernace of consale and consent of the thre estatis, forbidis that ony liege man of his realme trauelande throu the cuntry on hors or on fute fra tym at the common hostelaris be maid, herbery or luge thaim in ony vthir place bot in the hostelaris forsaide, bot gif it be persounis that ledis mony with tham in company, thai sal haue fredome to herbery with thare frendis, sua that thare hors ande thare menye be herberyit and lugit in the common hostelaris. Ande als it is ordanit that na burgesis na induellaris in burge or throughfaris resave or admyt ony sic traualouris or strangeris, bot alanelry common hostelaris, vnder the payn of xl s. to the King for the vnlawe.

Of watter mettis.

2. ITEM, it is ordanit that the watter mettis that now ar sal remayn and be vsit throu the realme in tyme to cum. Ande in ilk place and toun whare the gudis ar saulde ande mete be the watter, that thare be ordanit be the alderman and the balyeis a lele man sworne to mete all gudis sellabil be the watter met, als wele colis als vthir gudis. And at the sellaris, na name of thare behalf, entermete thaim in the metting of sic gudis.

Of wapinschawingis.

3. ITEM, it was ordanit in the secunde perliament of oure said Souerane Lorde<sup>1</sup> that ilk schiref of the realme suld ger wapinschawing be maide foure tymis ilk yere, in als mony placis as war spedful within his balyery,

<sup>1</sup> 1424, c. 4. *Supra.*

A.D. 1425. bot the maner how wapinschawingis sulde be resauit was nocht apunctit. Oure Lorde the King, throu hale ordinance of his perliament, statutis that ilk gentilman hafande x lib. worthe of lande or mare, be sufficiandly harness and anarmyt withe basnete, haile legharnes, cuerde, speir and dager. Ande gentil men hafande less extensis of landis, or na landis, salbe anarmyt at thare gudly power eftir the sicht and discrecioiune of the schireffis. Ande honeste yemen hafande sufficiande powere that likis to be men of armys salbe harness sufficiandly, als eftir the discrecioiune of the schireffis. Bot all vthir yemen of the realme betuixt xvij and sixty yeris salbe sufficiandly bowit and schaffit with cuerde, buklare and knyfe. And that al burgessis and induellaris within the burrowis of the realme in lik maner be anarmyt and harness and mak wapinschawing within the burrowis of the realme in lik manere foure tymmis in the yere, and that be the aldermen and thare bailyeis, apone the whilk the chawmerlane and his deputis sal knew and execute the said thingis. And that all men of the realme, secularis, be wele purvait of the saide harness and wapynnis be the fest of the Natiuite of oure Lorde Criste nixt to cum, vndir the paynnis folowande ; that is to say, of ilk gentilman at defautis at the first wapinschawing xl s., ande at the tother defaut uther xl s., ande at the thrid defaute x lib., ande als mekil als oft tymys as he defautis eftirwar, ande of ilk Bowman at the first defaut x s., and at the tother defaut x s., ande at the thrid defaut xl s., and swa furth als oft tymmis as he beis fundyn fautwys efterwart.<sup>1</sup>

Anent inquisition to be maid of ydil men that has nocht of thare awin to leif apon.

4. ITEM, the King with consent of his perliament has statute and ordanit that ilk schiref of the realme within his balyery inquire diligently gif ony ydil men that has nocht of thare awin to leif apon be resett within the lande, eftir the whilk inquisicioiune the schiref sal ger arrest sic ydil men ande ger kep thaim in festynance whil it be knawin whare on thai

In order to promote the practice of archery, the Act 1424, c. 18, enacted "that na man play at the fut ball undir the Payne of iiiij d. to be raysit to the Lorde of the lande als oft as he be tayntit, or to the schiref of the lande or his ministeris gif the

Lordis will nocht punis sic trespassouris." And section 19 of the same Act enacted "that all men busk thaim to be archaris fra thai be xij yeres of eilde. And that in ilk x lib. worth of lande thar be maid bowmerkis and specialy ner paroche kirkis, whare vpone haly dais men

A.D. 1425.

leif, ande at the cuntry be vnscaithit of thaim. Ande thare apone the saide schiref sall resave gude and sikkir burowis, eftir the whilk burowis fundyn, the schiref sall assigne xl dais to sic ydil men to get thaim masteris or to festyn thaim to leful craftis. Ande thai xl dais beande gane gif thai be fundyn mare ydil, the schiref sal arrest thaim agayn ande sende thaim to the Kingis presoune to byde ande be punyst at the Kingis will. And at this be done als wele in borowis as to lande throu al the realme.

Anentis fyre in townis.

5. ITEM, as anentis fyre, it is sene spedful that in ilk burgh or gret havin townys and throughfaris that ar gret, the alderman balyeis or the gouernouris of thai townis se and geve bidding within thare townis that na hemp, lynt, stray, haye, haddir na broome be put nere the fyre, na aboune the low in fyre housis, ande this be thaim self or men vndir thaim be ilk monethe sene. Ande wha sa eftir forbidding made be fundyn fautysse sal pay ane vnlaw as fallis in burgh als oft tymis as he is fundyn fautise, and vnforgevin. Ande gife the alderman balyeis or gouernouris of the tounis be negligent in the execucioune herof thai sal be in xl s. to the King.

6. ITEM, that sellaris of hay or foddir in burgh cum noct in thar haye housis with candil but lanteryn, vndir the payn of the samyn vnlaw, als oft as he beis fundyn fautise.

7. ITEM, that in ilk burgh be ordanit of the common cost vj vij or viij ledderis efter the quantite of the burghe, of xx<sup>ti</sup> fute the leddir. Ande at thai be kept in a redy place of the toune and til that vse and nane vthir, vndir the payn of the forsaide vnlaw, and of the samyn wyse thre or four

may cum and at the lest schute thris about and haif vsage of archary. And wha sa vsis noct the said archary, the Lorde of the lande sal rais of him a weddir, and gif the Lorde rais noct the saide Payne, the Kingis schiref or his ministeris sall rais it to the King. [Act. Parl. Scot., Vol. II., pp. 5, 6.]

And in order to secure an abundant supply of arms, the Act 1425, c. 2, enacted "that

all merchandis of the realme passende oure the see for merchandise bring hame, as he may gudly thole eftir the quantite of his merchandise, harnes and armouris with spere schaftis and bow staffis, and at that be done be ilkane of thaim als oft as it happynis thaim to pass oure the see in merchandise." [Act. Parl. Scot., Vol. II., p. 9.]

A.D. 1425. sayis to the commone vse, ande vj or ma cleikis of yrn to draw downe tymmer and ruffis at ar fyryt.

8. ITEM, at commoun women be put to the vtmost endis of the toune whare lest perel of fyre is. And at na man sett thaim housis in the hart of the toune vndir the Payne of ane vnlaw, na yit reset thaim vndir the samyn Payne.

9. ITEM, gif birnyng happynis in ony toune, fra the fyre be stanchit the alderman balyeis and gouernouris of the toune incontinent sal inquire wham throu and how the fyre happynit. Ande it be doun and fundyn of purpose deid, forfatoure salbe the punicioune. And gif it happynis of mysgouernance and noct of sett purpose, gif it be a seruande and that seruande haf gudis he salbe punyst in his gudis be the sicht of the gouernouris of the toune ande gevin to the man at tholis the scaithe, ande syn banyst that freedom for thre yeris. And gif the seruande has na gudis, he salbe doungin opynly at the mercate corse and throu the toune and syn banyst that fredome for vij yeris.

10. ITEM, gif it be the man at aw the hous that birnis it reklesly or his wife or his awin barnis, whether his nychburis takis scaithe or nane attoure the scathe and schame that he tholis, he or thai salbe banyst that toune for thre yeris. Ande gife it be a man at malis the hous and birnis it reklesly, he sal amende the scaithe efter his power and be banyst the toune for thre yeris. Ande gif he be a stranger or a traualour, he salbe arestytyt ande gif he be of power amend the scaith, ande gif he be noct of power he sal abyde the Kingis will.

11. ITEM, gif the balyeis and gouernouris of the toune findis na man in wyte bot of suddande case that may noct be forseen, as wylde fyre or rattounis or foulis or sic liknes, the law levis it vnpunyst.

12. ITEM, gif the gouernouris of the toune be negligent in the execucioun of thare office and this ordinance forsaide in ony poynte, we lefe thaim in x lib. to the King of vnlaw.

13. ITEM, at na fyre be fechit fra a hous til ane vthir within the tounis bot within courerit weschell or lantrene, vndir the payn of ane vnlaw.

## THE PARLIAMENT HELD AT PERTH, 30TH SEPTEMBER 1426.

## Of the dekynis of craftis.

1. ITEM, the King of deliuerance of parliament has ordanit that the dekynnis of craftis in borowis stande to the next perliament in the maner that eftir folowis, that is to say that the dekyn of ilk craft sal hafe na correccioun of the craft na of the lafe of the men of that craft bot allanerly se at the werkmen be cunnande and the werk sufficiande, the whilk he sal assay and examyn euer ilk xv dais anis.

## Of the price of the werk maid by craftsmen.

2. ITEM, it is ordanit that the alderman and the consal of ilk toun sworne sal se and prise the mater of ilk craft, and consider the price of the mater and the cost and the trauale of the werkmen, ande thare eftir prise the maid werk how it sal be sauld and that price mak knawin to the Kingis commounis and be opyn cryit.

## Of the fee of werkmen.

3. ITEM, it is ordanit that the consal of the toun sal se and ordane what fee werkmen sal haf for thar handling of thar craft that wirkis vther menis materis, as wrychtis masonis and vthir sic like.

## Of the punction of werkmen that fulfillis nocht thar werk at the tyme thai hecht.

4. ITEM, for why at it is complenyeit to the Kingis consal that wrychtis and masounis takis at anis on hande mony werkis the whilkis thai may nocht, na will nocht, fulfil at the tyme thai hecht, throu the whilkis the Kingis liegis ar scaithit and the honor ande profite of the land lettit: tharfor it is ordanit be the King ande the parliament that it be cryit in ilk toun opynly that na werkman tak mare werk on hande than he may gudly fulfil efter his cunande, vndir the payn of the tinsal of the price of sa mekil werk to the King and the fulfilling of the werk at he takis on hande apone his awin cost. Ande alsua, whare a werkman outhir wilfully or vnrychtisly lettis to fulfil the werk that he has tane on hande, at ane vthir werkman of that ilk craft refus nocht to tak that werk on

A.D. 1427. hande for resonabil fee, vndir payn of punycioun at the Kingis will, sua  
that he be a werkman knawin and hafe than nane vthir werk on hande.

## THE PARLIAMENT HELD AT PERTH, 1ST JULY 1427.

De hostellariis seu hospiciis publicis.

7th July. 1. ITEM, eodem die Rex mandauit vniuersaliter omnibus burgensibus  
de regno quod faciant fieri hostellaria seu hospicia publica in burgis  
honesta et competencia more aliorum regnorum, ad recipiendum omnes et  
singulos hospites tam pedestres quam equestres per regnum laborantes,  
sub pena super hoc in acto parlamenti constituta.

[Of hostelries or public inns.

Item, the same day the King commanded generally all the burgesses of the  
realm that they should cause decent and suitable hostelries or public inns to be  
established in burghs, after the manner of other realms, for the reception of  
all and sundry guests, as well on foot as on horseback, travelling through the  
kingdom, under the penalty imposed in the act of parliament hereanent.]

Revocacio ordinacionum super artificum decanis.

11th July. 2. QUA ordinaciones facte in parlamentis precedentibus super arti-  
ficiorum decanis in burgis regnj tendebant ad noxam et commune tocius  
regnj dispendium, Rex ex trium regnj statuum deliberacione ipsas  
ordinaciones reuocauit et illas totaliter adnullauit inhibendo de cetero  
ne tales decanj in aliquibus regni burgis inter artifices eligantur, nec  
eciam alias electi vterius excerceant officia decanorum nec faciant  
suas congregaciones consuetas que conspiraciones sapere presumuntur.

[Revocation of ordinances anent deacons of crafts.

Whereas the ordinances made in preceding parliaments anent the deacons of  
crafts in the burghs of the realm have tended to the hurt and common loss  
of the whole realm, the King by the advice of the three estates of the realm  
has revoked the said ordinances and wholly annulled them, commanding that for  
the future no such deacons be elected among the craftsmen in any burghs  
of the realm, and that those already elected shall no longer exercise the

functions of deacons nor hold their usual meetings, which are thought to A.D. 1427. savour of conspiracies.]

De arbitriis.

3. ITEM ordinatum est super omnibus et singulis causis infra regnum nunc pendentibus sub compromisso, si inter clericos arbitrij sint electi in parj numero per diocesanum episcopum de consilio suj capituloj dispar persona partibus non suspecta eligatur. Si vero inter barones seu quoscunque alios laicos extra burgum commorantes, tunc eligatur dispar persona neutrj partium suspecta per vicecomitem infra cuius balliam partes compromittentes commorantur de consilio tamen baronum quos vicecomes ille commode pro tempore habere potuerit neutrj partium suspectorum. Si autem inter burgenses seu alios habitantes infra burgos arbitrij sint electi, tunc dispar persona non suspecta per prepositum et consilium burgi infra quem partes inhabitant eligatur. Ad negotia vero causas et lites futuras per arbitria terminandas, arbitrij de cetero in disparj numero et non in parj eligantur. Arbitria autem aliter inita et facta nullius sint roboris uel momenti.

[Of Arbitrations.

Also, it is ordained in regard to all and sundry causes within the realm now depending under arbitration, if between clerics and that the arbiters have been chosen in equal number, an odd person, unsuspect to the parties, shall be chosen by the bishop of the diocese, with the advice of his chapter; but if between barons or any other laics whomsoever dwelling outwith burgh, then an oversman unsuspect to either of the parties shall be chosen by the sheriff within whose jurisdiction the parties to the arbitration reside, with the advice, however, of the barons, whom the sheriff can conveniently have at the time, suspected by neither of the parties; but if arbiters have been chosen between burgesses or others dwelling within burghs, then an odd person unsuspect shall be chosen by the provost and council of the burgh within which the parties reside. And for the settlement by arbitration of causes and pleas in future, arbiters shall hereafter be chosen in unequal not in equal numbers. And arbitrations otherwise entered into and done, shall be of no force or effect.]

## THE COUNCIL GENERAL HELD AT PERTH, 1ST MARCH 1427.

Anentis the men of craftis in burowis.

1. ITEM, anentis the men of craftis in burowis it is sene spedfull, ande the King withe the hail consal has ordanit for a yere that of euery craft thare salbe chosyn a wardane be the consal of the burgh, the whilk wardane with consale of vthir discret men vnsuspect, assignyt til hym be the said consal, sal examyn ande pryse the mater ande the werkmanschip of ilk craft and sett it to a certane price, the whilkis gif ony brekis, the saide wardane sal punyse the brekaris in certane payn, whame gif he punyse nocht, the alderman balyeis ande consal of the burgh sall punyse in certane payn, whame gif thai punyse nocht, the King sal hafe a certane payn of the burgh. The payn of the brekaris of the price salbe the eschet of the samyn thing of the whilk the price beis brokyn of, to be applyit the tane half to the wardane of that craft and the tothir half to the common werk of that burgh, whare it beis sene mast expedient. The payn of the prisar, gif he be negligent and punyse nocht, salbe the vnlaw of the borow court, als oft as he beis conuict culpable and fautise salbe applyit for the half to the commoun purse of the toune ande for the tother half whar it beis mast expedient to the werk of the toune. The payn of the alderman balyeis and the consal of the burgh that beis negligent in the punyciou of the said wardane, als oft as thai defaute, salbe in x lib. to the King, and salbe raisit efter at thai be challangit and convict be the chawmerlane or his deputis in the chawmerlane air anis in the yer. The whilk ordinance salbe extendit to masounis wrychtis smythis talyeouris webstaris, and all vthiris elik generally whais feis and handilling salbe prisit, as it is befor said. And attour to landewart in schirefdomis, ilk baroun sal ger pryse in thare baronryis ande punyse the trespassouris as the wardane dois in the borowis. Ande gif the baroune dois nocht, the schiref sal punyse the baroune. Ande gif the schiref dois nocht, thai salbe in amerciament to the King as the alderman balyeis and consal in borowis. Ande the alderman balyeis and consal in borowis sal inquire ilk moneth at the lest gif the wardanis of the craftis pryse wele and punyse the trespassouris. Ande gif ony man complenyeis of oure grete price or of the breking of the price maid and sett to the

alderman balyeis and consal, at thai punyse the brekaris of the price A.D. 1429. and ger the party complenyeande be assithit vnder the payn forsaide.

Addicioun to the statut of beggaris.

2. ITEM, the King has statute with consent of his haill parliament and consal and ekyt to the statut maid in his parliament of beggaris,<sup>1</sup> that in borowis the chawmerlane in his air ilke yere sal inquire gif the alderman and balyeis haf kept the said statut. Ande gif thai haf brokyn it, thai sal be in xl s. to the King. Item, the schireff failyeande in the keping of the said act salbe punyst in lik wise.

Anent lippir folk.

3. ITEM, that na lippir folk, nothir man nor woman fra thyn furth, entir na cum in to na burgle of the realme bot thrise in the wolk, that is to say ilk Monunday ilk Weddynsday and ilk Friday, fra ten houris to twa after none. Ande whar faris and mercatis fallis on thai dais, at thai leif thare entere in the borowis and gang on the morne to get thare leving.

4. ITEM, at na liperous folk sit to thig nothir in kirk nor in kirk yarde na in nane vthir place within the borowis, bot at thare awin hospitale ande at the porte of the toune and vthir placis outewith the borowis.

5. ITEM, at the bischoppis officiallis and denys inquire diligently in thare visitaciounis of ilk pariche kirk gif ony be smyttit with lippir, ande gif ony sic be fundyn swa smyttit at thai be denuncit to the King gif thai be secularis, ande gif thai be clerkis to thare bischoppis. And that the burges ger keip this statute vnder the Payne contenit in the statute of beggaris.<sup>2</sup> Ande what liperous at keipis nocht this statute, that he be banyst for euer of that burgh whare he disobeyis; and in lik wyse to landwart.

#### THE PARLIAMENT HELD AT PERTH, 6TH MARCH 1429.

Of the array of knychtis lordes and vtheris.

1. ITEM, the King with the avyse of the haill parliament has statute and ordanit that na man sal weir clathis of silk, na furringis of mertrikis,

<sup>1</sup> Act 1424, c. 2, p. 5.

<sup>2</sup> Act 1427, c. 2, *supra*.

A.D. 1429. funyeis puray, na grece, na nane other riche furring, bot allanerly knychtis and lordis of ij<sup>e</sup> merkis at the lest of yerly rent ande thar eldest sonis and thar airis but speciale leif of the king askit and obtentit. Ande at nane vthir weir broudry, na perle, na bulyeoun, bot aray thaim at thar awin list in all vthir honest aray, as serpis beltis vches and chenyeyis, and that vnder the payn of eschet of the aray to the king, to be takyn and raisyt to wham he committis power.

Of the array of burgessis and thair wyffis.

2. ITEM, it is statut that na burges within burghe duelland wer ony furring as befor is saide outan alderman and balyeis and the counsal of the toune, and the wifis to be arayit eftir the estat of thar husbandis, vnder the samyne payn forsaid to be raisyt be alderman and balyeis.

Of the array of yemen and commonis to landwartis.

3. ITEM, it is statut that na yemen na comoun to landwartis wer hewyt clathes siddar na the kne, na yit ragyt clathes, bot allanerly centynnal yemen in lordis housis at ridis with gentill men thar masteris, the whilks sal haf narrow slewis and litol pokis, and rycht sa that the commonis wifis nor thar seruandis, nouther in burghe na in land, wer nouther lange tails na syde nekit hudis, na pokis on thar slefis, na costly curches as lawne or rynse, and all gentill menis wifis be nocht arayit excedand the estate of their husbandis.

Anent the maner of grathing of gentilmen and utheris for weir.

4. ITEM, be the awyse of the haill parliament it is statute and ordanit that ilk man that may dispende yerly xx lib. or at has j<sup>e</sup> lib. in movabil gudis, that he be wele horsit and haill enarmyt as a gentill man aucht to be. And vther sympillaris of x lib. of rent or 1 lib. in gudis, haif hat gorgeat or pesane, with rerebrasaris vambrasaris and gluffis of plate brest plate panse and legsplentis at the lest or better gif him likis.

Anent the maner of grathing of yemen for weir.

5. ITEM, that ilk yeman that is of xx lib. in gudis haif a gude doublat of fence or ane habergeone, ane yrn hat, with bow and schefe, suerde buklar and knyfe, and all vther yemen of x lib. in gudis haif bow and schefe, suerde and buklare and knyff. And the yeman that is nane

archer na can nocht deyll with a bow sall haif a gude souer hat for his A.D. 1431.  
hede and a doublat of fence, with cuerde and buklar and a gude ax or  
ellis a brogit staff.

A nent the maner of grathing of burgessis for weir.

6. ITEM, it is statute that ilk burges hafand 1 lib. in gudis salbe hail  
enarmyt as a gentil man aucht to be, ande at the yeman of lawer degré  
ande burges of xx lib., be bodyn with souer hate and doublat haber-  
geone suerd buklar bow schefe and knyfe, ande at he that is na  
bowman haf a gude ax or wapynis of fens, as is forsaide. Ande the  
balyeis sal rayse the payn in the burgh gif it be nocht kepit as is forsaide,  
that is to say of ilk harnest man iiiij s. at the first warnyng, at the  
secund warnyng viij s., ande at the thrid tyme a mark and sa furth,  
whil he be wele enarmyt, ande of ilk yeman at the first tyme ij s., at  
the next tyme iiiij s., and at the thrid tyme viij s., ande sa furth whil he  
be wele enarmyt.

#### THE PARLIAMENT HELD AT PERTH, 16TH OCTOBER 1431.

Of a contribucion to be rasit for the resisting of the rebellouris in the north lande.

1. THE whilk day the xvij day of the monethe beforasaid, for the re-  
sisting of the Kingis rebellouris in the northe lande ande the costage to  
be made thar apone, it is fully consentit be the thre estatis ordanit ande  
concludit that thar be liftit and raisit a contribucion, that is to say in all  
landis of the realme whare the yelde of twa pennys was raisit thar be  
now x d. raisit; ande whar the twa pennys was nocht raisit, thare be now  
raisit xij d. of ilke punde; ande at this contribucion be takyn throu all  
the realme of al malis of landis and rentis of haly kirk as of temporal  
Lordis, na gudis of Lordis na burgesis outetaine savande the extent of the  
malis of the Lordis propir demaynis haldyn in thare awin landis, malis of  
burgesis housis haldyn within borowis inhabit be thaim self and withe  
thar propir gudis, of the whilkis thai tak na male, riddyn horsis and  
drawin oxin alanelry except of the whilkis na yeild salbe raisit. Attoure  
this contribucion sal be taxit and raisit withe all celerite possible  
brought and deliverit to the auditouris of it, that is to say the abbotis of

A.D. 1432. Balmurynache, Sanct Colmys Inche, sir Johne Scrymgeoure, Johne of Fife of Aberdene, whilkis sal begyn thare comptis on the morne next eftir the Fest of the Purificacione of our Lady next to cum at Perth, gife the pestilence be nocht thare; ande gif it beis thare, at Sanctandrois, the whilkis auditoris sal put thir contribucione in a kist of foure keyis of the whilkis keyis ilk ane of thaim sal haf ane, and that kist to remayn in the castel of Sanctandrois under the keeping of the bischop ande the priour. Ande in case at pece beis made in the meyn tym thir contribucione sal remayn under the samyn keeping in depose to the comone profit and vse; the whilk done, the king commandit to continew the perliament til Monunday the xxij day of the monethe forsaide.

## THE PARLIAMENT HELD AT PERTH, 27TH MAY 1432.

Of the persute of them that committis slaunchter.

1. In the first, whare ony man beis slane within the realme als wele within regalite as within rialte and in borowis as to lande, that incontinent without delay, als fast as the schiref beis certifit thareof outhir be the party or be ony vthiris, he sal pas and persew the slaaris ane or maa ande rais the Kingis horne on hym, and rais the cuntry in his suppowell whil he be ourtane. Ande gif he may be ouretakyn, he salbe put in sikkir festinens whil the law be done on hym; ande that salbe within xl dais at the ferrest; ande be it red hand, it salbe done within that sone. Ande gif he eschape oute of that schirefdome vnarrestit, the schiref sal write or sende ane of his officiaris to the schiref of that next schirefdome and certify hym of sik men that has done sik felonny agayn the king and ar fugitive fra the law. Ande than sal that schiref persew hym or thaim out throuch his schirefdome in the samyn maner as the tother did of befor withoute delay; ande swa furth fra schiref to schiref whil he be outhir takyn or put oute of the realme. And gif he happynis to fle in the regalite oute of the rialte, the schiref sal certify the lorde of the regalite or his stewart or balye, the whilk sal persew the trespassour in lik maner as the schiref sal, as is beforesaid. And wharsoeuer he happynis to be takyn, that schiref stewart or balye of the regalite sal send hym to the schiref of the next schirefdome or his balyeis, the whilk sal resaif hym and sende hym to the next schiref, ande swa furth fra schiref to schiref whil he be present to the schiref of the schyre whare the

deid was done; ande thare sal the law be ministerit to the party, as is A.D. 1432. forsaide. Ande gif it be forthought felony, he sal dee tharefor.

Of the slaar fugitive fra the law and proclamacion to be maid, not to resett him.

2. ITEM, gif it happynis the man fugitive to eschape throu diuers schirefdomis, the schiref or schireffis that he is eschapt fra sal pas to the chefe burghe of his schirefdome and thare ger opynly cry and proclaime that sic a man has done to the King sic a felonie trespass agayn the Kingis Maieste, and is fugitive fra the law, and thare forbide at ony man hous herbery or resett hym or give hym suppowel or help in ony degree, vnder the payn of life and gudis.

Of slauchter within a barony.

3. ITEM, gif a man be slane within the barony, the barone or his officiaris sal arrest hym. Ande gif he be infest with sic fredome, he sal do the law as is befor said or ellis present hym to the schiref or his ministeris. Ande eschape he vnarrestit oute of the barony, and eftirwarte it may be knawin be ane assise before the justice or schiref that the barone mycht hafe arrestit hym ande outhir for sleuthe or fauour let hym pas vnarrestit, the barone sal pay to the King xx lib. ; and eschape he in defaute of the barone seriande or balye of the barony, thai beand requirit or warnit thereof, gif thai be nocth of power to pay xx lib. thai sal remayn in the Kingis presone whil thai ouretake the Kingis will thereon.

Of slauchter done within a burgh.

4. ITEM, in lik maner sal the officiaris of the burghe do gif ony man be slane within the burghe, thai sal tak hym gif he may be oure tane and put hym in souerte whil the juge may be warnit that has power to do the law, ande gif the alderman ande balyeis has na power to do the law thare, jugis hauand power sal resave the trespassour and minister the law within the tym forsaide.

Of schireffs and ministeris of regalitie that executes nocth the law beforesaid.

5. ITEM, it is statute that gif ony schiref or minister of regalite at ministeris nocth the law as is beforesaid, ande that may be ouretakyn apone thaim outhir be ane assise before the King or his justice or be the witnessing of gude worthy and trew men, that is to say thre four or fyfe

A.D. 1432. or maa, he salbe in the Kingis presone xl dais, ande he sal pay to the King xl pundis and the croy to the nerest of the kyn of the slane man.

Of lordes of regalitie and alderman and balyeis in burgh that executis nocth the law.

6. ITEM, it is statute that gif the lorde of the regalite be warnit ande executis nocth the law na geris his officiaris execute it, as is beforsaide, he salbe in elik payn to the King as is the schiref. And gif the minister of the regalite falyeis in the execucioun as is beforsaide, he salbe punyst be the lorde of the regalite in lik maner as the schiref salbe punyst be the King; ande richtswa the alderman and balyeis in the burgh salbe punyst be the Kingis justice, gif thai falye in the execucioun of the law as is forsaide.

Of barganis in burgh or on lande, and inquisicion thairanent whether it be forthocht felony or suddandly done.

7. ITEM, it is statute whar that ony man barganis outhir in burghe or on lande whether the party plenye or nocth, that the officiaris, that is to say the alderman balyeis or the seriandis in absence of the balyeis, sal arrest bath the partiis ande that samyn day gif it be befor the sone ganging doun and na haly day, sal geve thaim a knawlege of ane assise whether it be forthocht felony or suddandly done. Ande gif it be suddandly done, demane hym as the auld law tretis of befor; ande gif it be forthocht felony, his body to be put in presone whil amendis be maid to the party be the sicht of lele and trew men befor the schiref gif it be within rialte, swa befor the Lorde or his balyeis in the regalite; ande befor the alderman and his balyeis in the burgh, thai sal ger amendis be maid efter the quantite of the trespass done to the party, and demanyt synе as the law will.

Of fugitouris fra burghis in forthocht felony.

8. ITEM, what tym it happynis sic bargane to be in the burghe ande it be callit forthocht felony ande the deid-doar eschaip vnarrestit fra the alderman and the officiaris of the towne and fleis the law, but delay the alderman or the balyeis sall wryte to the schiref or to the officiaris of the regalite whar he happynis to be resett and certify thaim of his mysdeid ande at he is fugitive fra the law, and than thai sal persew hym as a

fugitoure ande sende hym agayn whar the deid was done, ande to abyde A.D. 1436.  
the law but delay eftir as he has maide defaute.

That the Kingis officiaris and the officiaris of regaliteis and burghis haif wandis  
and hornis.

9. ITEM, fra thyn furth it is statute and ordanit that ilk officiar of the Kingis as mare or Kingis seriande or barone seriande, sal nocth pas in the cuntre na the barone seriande in the barony but a horn and his wande and that sal be in this maner : the Kingis officiaris, as is forsaid, sal haif a horne and ilk ane a red wande of three quarteris of a yerde lang at the lest ; ande the officiaris of the regalite, a wande of the samyn lenth, the tane ende rede and the tother whit, ande a horne whar he pass within the regalite ; the barone seriande, a horne and a whit wande of ane eln lang ; the seriande of the burgh, a rede wande alanelry like the Kingis officiar, ande als oft as he beis fundyn with oute his wande in the burgh he sal pay viij s. vnforgevin to the King ande thar attoure abyde chalange befor the chawmerlane. . . . . Ande at ilk seriande be thus purvait be xv dais nixt eftir Witsonday nixt tocum.

Precept tuiching the keping of the forsaide statutis,

10. WHARFOR, to you all and syndri schirefis balyeis and ministeris within burghe and utouth, straytly we bide and command that the forsaide statutis ye kep and ger be kept in all furme and effec as is befor writtyn, vnder the payn forsaide. Gevin under our Priue Seil at Perth, the xxvij day of Mayi and of our regne the xxvii yer.

#### THE COUNCIL GENERAL HELD AT EDINBURGH, 22D OCTOBER 1436.

Of tavernaris in the nicht.

1. ITEM, the King and the thre estatis has ordanyt that na man in burghe be fundyn in tauernys at wyne aile or beir efter the straik of ix houris and the bell that salbe rongyn in the said burghe ; the whilkis beande fundyn, the alderman ande balyeis sall put thame in the Kingis presone ; the whilk gif thaj do nocth, thaj sall pay for ilk tyme at thai be fundyn culpabill befor the chawmerlane 1 s.

## ACTA REGIS JACOBI SECUNDI.

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THE PARLIAMENT HELD AT EDINBURGH, 19TH JANUARY 1449.

For the away putting of sornaris fenyet fulis bardis and sic lik utheris rynnaris  
aboute.

1. ITEM, it is ordanit for the away putting of sornaris ourelyaris and masterful beggaris with hors hundis or vthir gudis, that al officiaris, bathe schireffis barounis alderman and balyeis, als wele within burgh as vtwith, tak ane inquisicione at ilk court that thai hald of the forsaide thingis, ande gif ony sic be fundyn that thar hors hundis and vthir gudis be eschet to the King, and thair personnis put in the Kingis warde whil the King haf said his wil to thaim. Ande alsua at the said schiref balyeis and officiaris inquere at ilk courte gif thar be ony that makis thaim fulis that ar noct, bardis or sic lik vtheris rynnaris aboute ; ande gif ony sic be fundyn, that thai be put in the Kingis warde or in his yrnis for thar trespass als lang as thai haf ony gudis of thar awin to leve apone ; and fra thai haf noct to lefe apone, that thar eris be nalyt to the trone or to ane vthir tre and cuttit of and bannyst the cuntry ; ande gif thar-eftir thai be fundyn again, at thai be hangit.

Of the bying and selling of vittale for eschewyn of derthe in the lande.

2. ITEM, it is ordanit for eschewyn of derthe in the lande that schireffis balyeis and officiaris, bathe in burgh and to lande, tak inquere at ilk court at thai hald what persounis within thar boundis byis vittale and haldis it til a derthe ; and gif sic beis fundyn, that the schiref and the officiaris mak it knawin at ilk mercate cors to the King what per-

sounis thai ar ; and at thai be bot as okkiraris repute, and at thai be A.D. 1455. punist and demaynit as okkeraris suld be ; ande at the vitale at thai haf be eschete to the King.

3. ANDE alsua, that na burges nor name vthir persone that byis ony corne or vital to sel agayn hald vitale, within burghe na without, mar than wil sustene hym and his menye whil new corne, vnder the payn of eschete of the vittal to the Kingis vse, bot at that vittal be present to the mercatis and sauld as the price gais ; and attour at the Kingis liegis in all placis throu oute the realme haf power to by and sell vittal at thar likyne, bath on the north half and south half of Forth, ilk ane till vtheris but ony letting or impediment ; and at na man hald ald stakkis in his yarde langar than Yule, vndir the payn of eschete thairof to the King.

#### THE PARLIAMENT HELD AT EDINBURGH, 4TH AUGUST 1455.

##### Of the secret consale of burowis.

1. ITEM, it is statute and ordanyt for the common profet of all the burowis of the realme at thar be viij or xij personis efter the quantite of the towne chosin of the secret consale and suorne theirto, the whilkis shall decret all materis of wrang and vnlawe within the burghe to the auale of v lib. or within, apone viij dais warnyng ; sua that in preiudice of the innocentis, the delayar haif nocth the privilege of the proces of lawe bot apon viij dais warnyng to be decidyt be the said personis.

##### Of the arraymentis for parliamentis and general councillis.

2. ITEM, as tuiching the habitis the Erlis Lordis of parliament commissaris of burowys and aduocatis shall haif and vse at all parliamentis ande generale consallis in tyme cuming : it is statute and ordanyt that all Erlis shall vse mantillis of brown granyt, opyn befor, furryt with whyt and lynyt befor outwith ane hand braide to the belt stede with the samyn furring with litill hudis of the samyn clath, and to be vsyt apon their schulderis ; and the vther Lordis of parliament to haif ane mantill of rede rycht sa oppinnit befor and lynyt with silk or furryt with cristy gray grece or purray, togiddir with ane hude of the samyn clath and furryt as saide is ; and all commissaris of burowys, ilk ane to haif ane pair of

A.D. 1456. cloris of blew furryt fut syde, opyn on the rycht schulder, furryt as efferis, and with huds of the samyn as said is. And what Erle Lorde of parliament Commissaris of buowys that enteris in parliament or generale consale but the saide habyt, sall furthwith pay thereafter x lib. to the king vnforgiffyn. And that in ilk burghe whar parliament or general consale salbe haldin, thar be ordanyt whar the bar vsis to stande a seit of thre segis, ilkane hear than vther, to the commissaris to sit on, vnder the Payne of x lib. to be raisit of the town whare the parliament or generale consale is haldin and the said segis vnmaide als oft as thai ar haldyne.

## THE PARLIAMENT HELD AT STIRLING, 13TH OCTOBER 1455.

Anent inquisition of sornouris and oppressouris.

ITEM, the King sall tak inquisition whare he cumis till ony hede burghe of the cuntry, gif thar be ony within that schyre sornouris or oppressouris of the Kingis liegis or the pure pepill, or disobeyaris of his laws ; and thai persouns, the King sall punys as efferis.

## THE COUNCIL GENERAL HELD AT EDINBURGH, 19TH OCTOBER 1456.

Of the pestilence and governance thairof.

1. ITEM, as to the feird artikill belangand the pestilence and gouernance therof, the clergy thinkis<sup>1</sup> that thar suld na man to lande nor to burghe that hais gudis to serf him self ande his menye be put out of his awin hous, les than he will noct remane nor may noct be closyt within

<sup>1</sup> "This act," says Sir George Mackenzie, "contains what is fit to be done in time of pestilence, and because it was an affair to be governed by Christian charity, therefore the regulation of it was referred to the clergy ; and upon this account it is that the act says, *The clergy thinks*, without speaking of King or Parliament, it being ordinary in our Acts of Parliament to set down the report without drawing it into the formality of an Act of Parliament, and thus in the 91st and 92d Acts Parl. 13., Jas. III. (1483, c. 6, 7 and 8), it is said, *The Lords thinks it expedient*, by which word *Lords* must be interpreted *Lords of Articles*."—[Observations on Act XIII., Parl. King James II., chap. lvii.]

But it happened constantly that articles proposed either by the Lords of Articles or by one of the estates only, when approved by Parliament, were transferred to the Record in their first shape, and, no doubt, were received as Acts of the King and Parliament.

his awin hous. And gif he disobeyis his nyghtbouris, in that cais he shall be compellyt to pass out of the towne. Ande gif ther be ony pure folkis that hais na gudis to fynde thame self ar put furth of the towne, thai of that towne suld fynde thame and noct lat thame pass away fra the place whar thai war depute to remane, to fyle the cuntrye about thame. And gif ony sic folkis put furth of ony towne walde steyle away, thai of the towne that put thame out sulde ger folow thame and bring thame agane and compell thame to remane and punys<sup>t</sup> thame for ther away passing. And that na man sulde byrne ane vther mannys hous, bot gif it may be done but hindering or skathling of his nyghtbouris. And at the pre-latis mak generale processiouinis throu out ther dyoceis twys in the wolk for stanching of the pestilence and grant pardone to the preistis that gangis in the said processiouinis.

Of distressis takin be schirefis and constables at fairs.

2. ITEM, as tuiching the complaynt maide be the uniuersale burowys of the realme that pure commonys ar gretumly iniuryt and opprest be the Kingis schirefis constabilis and thair ministeris in tymis of faris takande distressis of ther gudis of litill quantite whilk thai bring on ther hedis or ther bakkis or in ther armys, in lik maner of kerris sleddis ande small tymer, it is sene speidfull that of sik gudis of litill quantite or price ther be na distressis tane in tyme to cum for aulde vse and custum. The schiref sulde haif bot the best ox or kow or vnriddyne hors whilkis are stallit and brocht to sell. Item, of gret stallis of merchandise the whilkis cumis on horsis bakkis or couerty crams that occupyis the faris, of the whilkis thai haif vse to tak ther distress for the continuacione of the faris, the whilk distress aw to be deliueryt agane at the court of the fayr gif the persone has done na defalt nor distrubling in the fayr.

Of distressis for constabill feis.

3. ITEM, whare the constabill deputis and his ministeris in the tyme of the sessione and generale consale and parliament takis distressis for constabil feis of all maner of gudis, gret and small that cumis to the mercat to sell, baith merchandise and vittaill, it is sene spedfull at that vse be laide done and forborne in tym to cum, bot gif the constabillis feftment

A.D. 1457. beir him till it, and at that be schawin to the King and the thre estatis at the nixt parliament or generale consale. Ande at in the meyne tyme the constabill cese, for ther can na lawe be fundyne accordande to that vse.

## THE PARLIAMENT HELD AT EDINBURGH, 6TH MARCH 1457.

## Of wapinschawings.

1. ITEM, it is decretyt and ordanyt that wapinschawingis be haldin be the Lordis ande baronys spirituale and temporale four tymis in the yere ; and at the fut ball ande the golf be vtterly criyt doune and noct vnyt ; ande at the bowe merkis be maide, at ilk parroch kirk a paire of buttis, and schuting be vnyt ilk Sunday ; and that ilk man schut sex schottis at the lest vndir the Payne to be raisit apone thame that cumis noct, at the lest ij d. to be giffin to thame that cumis to the bowe merkis to drink ; and this to be vnyt fra Pasche till Alhallomese efter ; and be the nixt Mydsomer to be reddy with all ther graith without failye ; and that ther be a bowar and a fleger in ilk hede towne of the schyre ; and at the towne furnyse him of stuf and graithe efter as nedis him therto, that he may serve the cuntry with ; and as tuichande the futball and the golf, we ordane it to be punyst be the baronys vnlawe ; and gif he takis noct the vnlaw, that it be takin be the Kingis officiaris ; ande gif the parrochin be mekill, that thair be iij or iiij or fyue bow merkis in sik placis as ganys ther for ; and that ilk man within that parrochin that is within fyfte and passit xij yeris sall vse schuting, and that men that is outwith and past thre scoir yeiris sal vse vther honest gammys as efferis.

Anent the reformacione of golde and silver wrocht be goldsmythis.

2. ITEM, as anent the reformacione of golde and siluer wrocht be goldsmythis ande to eschewe the desaving done to the Kingis liegis, ther salbe ordanyt in ilk burgh whare goldsmythis wirkis ane vnderstandande and cunnande man of gude conscience, whilk sall be dene of the craft. And when the werk is brocht to the goldsmyth and it be golde, what golde that euer it beis brocht till him he sall gif it furth agane in work na wer than xx granys ; and of siluer, what euer be brocht him he sall

gif it furth agane na wer na xj granys. And the said goldsmyth sall tak his werk or he gif it furthe, and pas to the dene of the craft and ger him examyn that it be sa fyne as is befor writtyn. And the said dene of the craft sall set his merk and takyn therto, togidder with the said goldsmythis. And gif faute be fundyne therin efterwartis, the dene forsaide and goldesmythis gudis salbe in eschet to the King and thare liffis at the Kingis will. Ande the saide dene sall haif to his fee of ilk vnce wrocht j d. And whare ther is na goldsmyth bot ane in a towne, he sall schawe that werk takinnit with his awne merk to the hede officiaris of the towne, whilkis sall haif a merk in lik maner ordanyt therfor and salbe set to the saide werk. And what goldsmyth that giffis furth his werk vtherwayis than is befor writyne, his gudis salbe confyskyt to the King and his life at the Kingis will.

Of litstaris.

3. ITEM, it is sene speidfull that lit be criyt vp and vsyt as it was wont to be, and that na litstar be draper nothir to by clayth nor yit tholyt to sell vnder the Payne of eschet thair of, etc.

Anent the estat of merchandice and restriccione of the multitude of sailaris.

4. ITEM, anent the estat of merchandice and restriccione of the multitude of sailaris, it is sene speidfull to the estate of clergy and the baronys and statute be the King that thar saill na personis bot habile and of gud fame, and at he haif at the lest thre serplaris of his awne gudis or ellis committyt till him or the availl therof; and at the saylaris in merchandice be fre men of buowis and induellaris within the burge.

Of the arraymentis for Parliamentis.

5. ITEM, anentis the habitis of Erlis and Lordis of parliament, commissaris of buowis and men of lawe, it is sene spedfull at thai be maid and vsit efter the tenor of the act maide therapone; and that the King mak a patron of ilk habite, and all the laif be made thereafter.

Anent restriccione of sumptuose clothing.

6. ITEM, that sen the realme in ilk estate is gretumly puryt throu sumptuose clething baith of men and wemen, and in speciaill within buowis and

A.D. 1457. commonys to landwart, the Lordis thinkis speidfull that restriccione therof be maide in this maner: That na man within burghe that levys be merchandice bot gif he be a persone constitute in dignite as aulderman bailye or vther gude worthi men that ar of the consale of the towne and thar wifis, weire clathis of silk nor costly scarlatis in gownys nor furringis of mertrikis; and at thai mak thair wifis and dochteris in lik maner be abeilyeit ganeande and corespondande for thar estate, that is to say, on ther hedis schort curches with litill hudis, as ar vsyt in Flanderis, Inglande and vther cuntreis; and as to ther gownys, that na woman weir mertrikis nor letvis nor talys of vnfitte lenthe nor furryt vnder bot on the Haliday; and in lik maner without the buowis, of wther pur gentillmen and thar wifis that ar within xl lib. of Aulde Extent. And as anentis the commonys, that na lauboraris nor husbandis weir on the werk day bot gray and whit, and on the Haliday bot lycht blew or grene or rede, and ther wifis rytsa and curches of ther awne making, and at it excede nocht the price of xl d. the elne; and at na woman cum to the kirk nor mercat with hir face musalyt or couerit that scho may nocht be kende, vnder the Payne of eschet of the curche. And as to the clerkis, that nane shall weir gownys of scarlat nor furring of mertrikis, bot gif he be ane persone constitute in dignite in cathedrale or college kirk, or ellis that he may spende ij<sup>c</sup> merkis, or gret nobiles or doctouris. And this to be now proclamyt and put to execucion be the first day of Maij, vnder the pane of eschet of the habite, that is to say of the clerkis be the ordinaris and the laif be the Kingis officiaris.

Of beggaris.

7. ITEM, it is sene speidfull and statute that na beggar be tholyt to beg nother within burghe nor to lande betuix xiiij and lxx yeris, bot thai be sene be the avyse of the commovnys of the cuntre that thai may nocht wyn thair leving vther wayis. And thai that sa beis fundyn haif a certane takyn to landwart of the schiref, and in buowis of the auldermane and bailyeis, vnder the Payne of byrnynge on the cheik and banysyng of the cuntre. And that this be done be the schirefis to landwart, and be the aulderman and balyeis in the buowis.

## Anentis mettis and mesuris.

8. ITEM, anent mettis and mesuris, it is sene speidfull that sen we haif bot a King and a lawe vniuersale throu out the realme we sulde haif bot a met and mesure generale to serue all the realme, that is to say, ane pynt whilk was giffin be the ordinance of the thre estatis, sir Jhone Forester that tyme beande chavmerlane, to the burgh of Striuelleng, as for standart sall remane vniuersale throuout the realme. And the ferlot salbe maide thereftir, that is to say, ilk ferlot sall contene xvij pyntis of the samyn mesure rovnde and elik wyde vnder and abvne the twa burdis contenede evyne, or in thiknes ane inche and a half, ande the breide or within the burdis xvij inches ande a halfe, ande the half ferlot and pek to folowe thereftir in the sammyn kinde. And of thir saide mesuris, that is to say pynt and ferlot, ther salbe new maide iij standartis, ane to be sende till Abyrdene ane vther to Perthe and the thridre to Edinburghe to remane, and now to be proclamyd that fra the Fest of Sanct Michaell nixt to cum ther mesuris of pynt and ferlot haif cours and name vther, sua that in the menetyme all maner of personis that thinkis to vse the said mesuris may cum to the saide placis and furnyse thame with the saide mesuris, beande brynt and selyt with the selys of thai stedis as thai will vse and be seruit thereftir. And gif ony personis efter the saide termis vsys vther mesouris than thir and ther may be taynt gottin therof be dittay or vther wayis, thai sall pay the vnlawe of the chavmerlane ayre doubllyt. And gif ony man be foundyt of aulde or of newe of fyrmes of vther mesuris than thir abone writyne, ther fundacione sall stande in effect nocth ganestanding this statute. And the mesoure of ther fundacione salbe proporcionyt to this mesure that now is, sua that the sammyne quantite sall remane with the giffar and the ressauer but preiudice of ony of thame.

## Anentis the reformacione of chaumerlayne ayris.

9. ITEM, anentis the reformacione of chavmerlane ayris be the whilkis all the estatis and specialy the pure commownis ar sairly grevyt, the Lordis in the name of the thre estatis exhortis our Souerane Lorde that it plese him with the said consale of the thre estatis beande now present,

A.D. 1457.

A.D. 1457. to haif piete and consideracione of the mony and gret inconuenientis that fallys vpone his pure liegis ther throu, and of his grace to provyde suddane remeide and reformacione thairof.

Of the use of taking distressis for constable feis.

10. ITEM, whare the Kingis constable, deputis and his ministeris in tyme of sessione, generale consale or parliament, takis distresse for constable feis of all maner of gudis gret ande small that cumis to the mercat to sell, baith merchandice and vittalys, it is sene speidful at that vse be laide done and forborne in tym to cum, bot gif the constabilis infectment beire him therto and at that be schawin to the King and the thre estatis at the next parliament or generale consale. And at in the mentyme the constabillis cese, for ther can na law be fundyn accordande to that vse.

Of bandis and legis within burrowis and of manrent.

11. ITEM, it is sene speidfull to the Lordis that within the burowis throu out the realme na bandis nor ligis be maide, nor yit na commotioun nor rysing of commownys in hindering of the common lawe bot at the commandment of thar hede officiaris. And gif ony dois in the contrary and knawlege and taynt may be gottin therof, thair gudis that ar fundyn guilty therin to be confyskit to the King, and ther lifis at the Kingis will. And at na man duellande within burghe be fundyn in manrent, nor ride nor rowt in feir of weir with na man bot with the King or his officiaris, or with the Lorde of the burghe that thai duell in, or with thair officiaris vnder the sammyn pane. And in lik maner that na induellare within burghe nor landwart purchese ony lordschipe in oppressione of his nyghtburis in lik maner vnder the sammyne payne.

## ACTA REGIS JACOBI TERTII.

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THE PARLIAMENT HELD AT EDINBURGH, 31<sup>ST</sup> JANUARY 1466.

That name sale nor pass in merchandise out of the realme bot fre men.

1. ITEM, in the fyrst that name of oure Souerane Lordis liegis sale nor pas in merchandise out of oure realme, bot fre men burges duelland within burghe, or thar familiaris, factouris, or seruandis being with tham of housshald at mete and drink, saufand that it salbe leful to prelatis, Lordis, barouns, clerkis, to send thar propre gudis with thar seruandis and to by agane thingis nedeful to thar propre vse.

That na man of craft use merchandise.

2. ITEM, it is statute and ordanit that na man of craft vse merchandise be himself his factouris or seruandis, bot gif he lefe and renunce his craft but colour or dissimulacione.

That na man sale in merchandise without half a last of gudis.<sup>1</sup>

3. ITEM, that na man sale nor pas without the realme in ony merchandise bot a famous and worschipful man hafand of his awne half a last of gudis or samekle in stering and gouernance, vnder the pane of ten punde, to be raisit til our proffit of ilk persoune doing the contrary hereof.

<sup>1</sup> Sir George Mackenzie observes that this act was introduced because peddling merchants having very small stocks were both a discredit to the nation, and were also forced to sell at

any rate, for they could not wait for a price. [Observations on the Acts of Parliament, p. 53.]

That na schip be frachtyt without a charter party.

A.D. 1467. 4. ITEM, it is in likwise statute and ordanit that in tym to cum thar be na schip frachtyt without our realm nor within be nane of our liegis, without a charter party conteneand thir poyntis vnder writtin : that is to say, that the master of the schip sal fynd sufficiand stermane, tymmerman, and schipmen conuenient for the schip ; and at the master fynd fre to the merchandis fyre, watter and salt on his cost, and gif ther hapnis ony contencione or debate betuix the maister or the merchandis that thair sal vndirly the jurisdiccioune and ordinance of the burge whar to the schip is frachtit withoutyn ony excepcioune ; and at na merchandis gudis be revin nor spilt with vnresonable stollin as with spakis, nor that na gudis be schorne nor strikin vp in na wise in to the maisteris defalt or his seruandis, vnder the pane of tinsale of the said fraucht and amending of the skaith to the merchandis ; and at the maisteris fure na gudis vpone his ourelop, the whilk and he do tha gudis sal pay na fraucht, nor na gudis vnder the ourlop to scot nor lot with tha gudis in case thair be castin ; and at euerilk schip frachtit excedand fyff last of gudis sal pay to the chaplane of the nacione a sek fracht, and within fyff last half a sek fraucht, vnder the pane of five punde to be raisit to our Souerane Lord the Kingis vse, of ilk persone doing the contray here of ; and at na drynk siluer be tane be the maister nor his doaris, vnder pain abone writin, and a tone fraucht to the kirk werk of the toune.

#### THE PARLIAMENT HELD AT STIRLING, 12TH JANUARY 1467.

Anent the marriage of our Sovereign Lord, and for sending an embassy to Denmark and other places speedful, and for concluding upon the marriage of the king, and providing 3000 pounds Scots for the expenses of the embassy, the clergy contributing 1000 pounds.

1. The lordis, barones, frehaldaris, and burges being now present for thaim self and for the remanent that is absent be the powere committit to thaim grantit hertfully to pay and gif to our Souuerain Lorde to the expedicion of the said mater the soume of twa thousand pundis, that is to say, the estate of the barones i<sup>m</sup> lib. and the burges i<sup>m</sup> lib.

ITEM, it is ordanit that the abbot of Halirudehouse be resavoure of the taxt of the clergy, schref Alexer Naper of the barones, and Thomas Olifant of the borowis.

Anentis mettis and mesuris.<sup>1</sup>

2. ITEM, anentis mettis and mesuris, it is statute and ordanit that the A.D. 1469. chaumerlan and schirefis ger put the last act made theruppon to dew execucion in all pointis, as thai wil answere till our Souuerain Lord.

THE PARLIAMENT HELD AT EDINBURGH, 20TH NOVEMBER 1469.

Anent the electioune of aldermen bailyis and utheris officiaris of burowis.<sup>2</sup>

1. ITEM, as tuiching the electioune of alderman, bailyis and vtheris officiaris of burowis, becaus of gret truble and contensione yeirly for the chesing of the samyne throw multitud and clamor of commonis sympil personis, it is thocht expedient that nain officiaris na consail be continuit effir the Kingis lawis of burowis forthir than a yeir; end at the chesing of the new officiaris be in this wise, that is to say, that the aulde counsail of the toune sall cheise the new counsail in sic novmyr as accordis to the toune; and the new counsail and the aulde of the yeir before sall cheise all officiaris pertenyng to the toune, as alderman, bailyis dene of gild and vtheris officiaris; and that ilka craft sall cheise a persone of the samyn craft that sal haue voce in the said electioune of the officiaris for that tyme, in like wise yeir be yeir. And atoure, it is thocht expedient that na capitane nor connstable of the Kingis castellis, what toune thai evir be in, sall beir office within the said toune, as to be aldirman, bailye dene of gild thesaurare, na nain vthir officiare that may be chosing be the toune, fra the tyme of the next chesing furth, etc.

Of the takin of feis be constablis of castellis schireffis and bailyeis of burowis, at faris parliament tymes and general counsalis.

2. ITEM, becaus thair is abusione fundin in the keping of faris parliament tymes and generale counsalis, that the gret constablis of castellis, schireffis or bailyeis of burowis, takis gret extorsiouns of the Kingis pure liegiis, whilk thai call thair dewitis and feis that is nocht aucht to thame, like as of ilk lade of flesch fisch vttalis meil or malt, or sic

<sup>1</sup> The Act 1457, c. 8 p. 28.

<sup>2</sup> Ancient Laws and Customs of the Burghs of Scotland, c. 70 p. 34.

A.D. 1471. like burdingis of foulis on mennis bakkis, and vther thingis borne in mennis handis to the whilk they haue na resone, it is sene expedient and statute in this present parliament that all sic thingis be forborne in tyme to cum, and na sic extorsionis be takin of the Kingis liegiis vnder the payn of punycioune of thair personis at the Kingis will, and to be put fra the executione of ther office for a yeir, etc.

Anent haly dayis.

3. ITEM, for samekle as the Setterday and vther vigillis ar noct of law biddin haly day bot fra evin sang to even sang, that therfor masonis, wrichtis and vther craftis men that ar set for lang tyme or schort for the werk, sall wirk on the Settirday and vther festuale evinnis whil foure houris eftir none vndir pain of tynsail of his wolkis fee, and that [thay] keip na ma haly days na is biddin of halykirk of gret solempnit festis. And gif ony dois in the contrare, that the Ordiner lede process of cursing vpone thame, etc.

#### THE PARLIAMENT HELD AT EDINBURGH, 6TH MAY 1471.

Of an embassy to the King of France and the Duke of Burgundy for treaty and concord, and advising a convenient place for the marriage of my young Lady the King's sister.

1. As [to] the nowmer of the personis, the Lordis thinkis considering the estatis of ane Bischop, ane Erle, ane Lorde of Parliament, a knycht, and ane clerk, ane herald, xxx personis, whilkis sal have til thar expensis iij<sup>m</sup> cronis, whilkis the thre estatis has grantit to pay at mydsummer, that is to say, ilk state j<sup>m</sup> cronis.

Of armouris and of wapynschawing.

2. ITEM, it is thocht expedient that na merchandis brynge speris in this realme out of ony vther cuntris bot gif thai conten sex elne and of a clyft, na at na bowar within the realme mak ony speris bot gif thai

conten the samyne lentht, and wha that dois in the contrare that the speris be eschetit and the personis punyst at the Kingis wil ; alsua that ilk yeman that can nocth deil witht the bow, that he haf a gud ax and a targe of leddyr to resist the schot of Ingland, whilk is na cost bot the valew of a hide ; and that ilk schiref, stewart, bailye, and vther officiaris mak wapynschawing within the bondis of thar office efter the tenor of the act of parliament, swa that in defawt of the said wapinschawyne, our Souerane Lordis leigis be nocth destitut of harnes when thai haf neid, and at the futbal and golf be abusit in tym cummyng and the buttis maid vp and schuting vsit eftir the tenor of the act of parlyament.

Anent the weiring of silkis.

3. ITEM, it is statut and ordanit in this present parlyament that considering the gret powerte of the realme, the gret expense and cost mad apone the brynging of silkis in the realme, that therfore na man sal weir silkis in tyme cummyng in gowne doublate and clokis except knychtis menstrallis and herraldis, without that the werar of the samyn may spend a hwndreth pundis wortht of landis rent vnder the Payne of amerciament to the Kinge of x lib. als oft as thai ar fundyne and eschetin of the samyne to be gevyn to the herraldis or menstrallis, except the clathis that ar mad befor this parlyament ; and at the schiref of ilk schir aldirman and bailyeis of burrowis tak inquisicione thar of and send it to the Kinge ; and at mennis wiffis within a hwndreth pwnde were na silkis in lynyng bot alanelly in colar and slevis vnder the samyn Payne.

Anent schippis and buschis for fysching.

4. ITEM, the Lordis thinkis expedient for the comone gud of the realme, and the gret encrese of riches to be brocht within the realme of vther cuntreis that certain lordis spirituale and temporale and burowis ger mak or get schippis buschis and vther gret pynk botis witht nettis and al abilyementis ganing tharfor for fysching. And that the execucione of this mater and the forme and the nowmer of the samyne be had at the continuacione of this parliament.

## THE PARLIAMENT HELD AT EDINBURGH, 17TH FEBRUARY 1471.

Grant of v<sup>m</sup> lib. to the King to the passage of vj<sup>m</sup> men in France.

0th February. THE Prelates grantit to the King to the passage of vj<sup>m</sup> men in France to put thaim to the see ij<sup>m</sup> lib., and the Barounis ij<sup>m</sup> lib., and the Commissaris j<sup>m</sup> lib., of the whilk the King was content.

## THE PARLIAMENT HELD AT EDINBURGH, 23D JULY 1473.

That wardanis and decanis of the craft be deput for examinacioun of golde smithes werk.

IT is avisit, because thare is mekil bullioune put in diuerse werkis, peicis spvnis goblatis beltis and vther werkis, and throw the negligence and avirice of the wirkaris and golde smithis the said siluer gevin to thaim is mynginge with laye and vther stuife that is put in the said werk, that fra the siluer cum agane fra the werkmen it is sa fer scaithit of the avale fra the fyne siluer that the pupill is oure gretly scaithit and dissauit thairthrow. And thairfore the Lordis avise and thinkis speidfull that in ilk a tovne whare that golde smithis are and thare craftis exersit and vsit, that thare be deput and ordanit a wardane and a decanne of the craft that salbe suorne thairto and examyne al the werkmanschip that cummys fra thare handis. And whare thai fynd it sufficient, set thare merkis thairto. And whare thai fynd it vnsufficient, thai soll refusit and punice the wyrkare estir his demeritis. And whare ony werkman walde culoure or stele away his werk without examinacioun it salbe eschetit whareuer it may be fundin, and the dampnage therof fall in the werk mannis hand.

## THE PARLIAMENT HELD AT EDINBURGH, 9TH MAY 1474.

Anent the consale to be chosin in burowis.

IT is statute and ordanit in burowis nocht withstanding the actis maide of before, that thair salbe of the aulde consale of the yer befor four worthy persounis chosin yeirly to the new consale at ther entre

to syt with thame for that yere and haue power withe thame to do justice. A.D. 1478.

THE PARLIAMENT HELD AT EDINBURGH, 1ST JUNE 1478.

Of an embassy to the Duke of Burgundy for confirmation of the privileges already granted to the merchants of Scotland, for obtaining redress of byegone scaiths and purchasing still greater privileges if they can be got.

1. AND the expense of the said ambassiate to be taken of the hale 12th June. burowis.

Of maisterful beggaris and sornaris.

2. ITEM, for staincheing of masterfull beggaris and sornaris that daily oppressis and heryis the Kingis pure liegis, it is statut and ordanit that the act and statute maid of before in oure Souerain Lordis King James, the first tyme be put to scharp execucioun but fauouris, that is to say, whare euir ony comoune sornaris be ourtane in tyme to cum that thai be arrestit and deliuerit to the Kingis schireffis and that thai furthwith as the Kingis Justice execut the law on thaim as apone a comone thefe or refare, and also that dittay be tane therof yerly and punist as said is in the justice aire.

THE PARLIAMENT HELD AT EDINBURGH, 1ST MARCH 1478.

Concessio facta Regi viginti millium marcarum in subsidium matrimonij contrahendi inter Margaretam ejus sororem et Antonium Comitem de Rivieris, &c.

Quo die clero baronibus et commissarijs burgorum in pretorio de Edinburgh vocatis et congregatis presidente nobili et potenti domino Andrea domino Auandale cancellario Scocie, ijdem cleris barones et commissarij burgorum vnnimi consensu et assensu gratanter concesserunt soluere excellentissimo principi domino Jacobo Supremo Domino nostro in subsidium matrimonij contrahendj inter serenissimam principem Margaretam eius sororem et magnificum atque prenobilem dominum Antonium comitem de Riuieris dominum Scalez etc., et ipsius matrimonij occasione summam viginti millium marcharum vvisualis monete regni Scocie, octo viz milia de clero, octo de baronibus, et quatuor de comitatis burgorum. . . .

6th March.

A.D. 1481.

[Grant made to the King of 20,000 merks for subsidy of the marriage to be contracted between Margaret his sister and Antony Earl of Rivers.

Which day, the Clergy Barons and Commissioners of Burghs in the Tolbooth of Edinburgh called and assembled, the noble and mighty lord Andrew lord of Avendale, Chancellor of Scotland presiding, the said clergy barons and commissioners of burghs with one consent and assent thankfully agreed to pay to the most excellent prince lord James our Sovereign Lord for subsidy of the marriage to be contracted between the most serene Princess Margaret his sister and the august and most noble lord Antony earl of Riviers lord Sealez etc. and on occasion of the said marriage, the sum of 20,000 merks of the usual money of Scotland, namely eight from the clergy, eight from the barons and four from the estates of the burghs. . . .]

#### THE PARLIAMENT HELD AT EDINBURGH, 2D APRIL 1481.

Of speris and jakkis.

1. ITEM, it is ordanit that thare be na speris made in tyme tocum nor salde that is schortare than five elne and a half or v elne at the leist before the bur, and of gretnes according therto, vnder the pane of eschete of al his gudis that makis and sellis thaim. Alsa it is ordanit that al personns that wil were jakkis for the defence of thare body, that thai ger make thare jakkis syde to the knee thai that wantis leg harnes, and thai that has leg harnes that thare jakkis be made sa lang as to covir the ovir parte of thare leg harnes.

Of targeis.

2. ITEM, that euery aixman that has nowther spere nor bowe sal hafe a targe of tree or leder efter the fassoune of the example that salbe send to ilk schiref.

Of the execucion of the actis anent the wapinschawin and abilyement for were.

3. ITEM, it is statute and ordanit that the actis and statutis made of before anent the wapinschawin and abilyement for were to be made be all personis salbe put to dew execucioun after the forme contenit in the

saide actis, and that the panys contenit in the samyn be scharply raisit A.D. 1481.  
but fauouris of the brekaris therof.

A contribucion of 7000 merks to be rasit for the vittaling of the toun of Berwick  
for forty days.

THE Lordis . . has for the plesance of the Kingis Hienes consentit as 13th April.  
for thaim self that a contribucioun of vij<sup>m</sup> merkis be raisit be the hale  
thre estatis and to be gaderit to the vittaling of the tovne of Berwic for  
xl dayis, and this nocth to be tane bot of benefitit men landit men and  
burgessis in sic maner as contribucioun and taxt has bene payit of before,  
and to be devidit on this wise, that is to say, ij<sup>m</sup> viij<sup>c</sup> merkis of the clergy,  
alsmekle of the barounis, except the landit men that passis in thare avne  
persouns to Berwic, and of the borowis j<sup>m</sup> iiiij<sup>c</sup> merkis, and als the com-  
missaris of buowis except Montrose grantit of before to the vphaldin of  
Berwic, and to help with thare gudis thereto.

#### THE PARLIAMENT HELD AT EDINBURGH, 18TH MARCH 1481.

Grant of six hundred men of were, to be layd in garnysoun on the bordouris.

THE thre estaitis now considerand and vndirstandand the honor- 22d March.  
able and curageous opinioune of oure Souuerane Lord in the halding  
vp of the tovne of Berwik and the grete cost and expense that his Hienes  
has made in the fortifying strengthing and biggin of the wallis of the  
samyn, and reparacioune of the castell, and stuffing thareof be artilyery,  
and als the grete charge and coist that his maiestee has now takin apone  
him to hald and lay on his avne expense garnysoun of v<sup>c</sup> men of were in  
the said tovne for the keping and defens therof, to the grete honour and  
proffit of the realme and harme and skaith to oure ennemyis, the said  
estatis of thar avne free will has grantit to oure Souerane Lord to send  
and wage on thare expense vj<sup>c</sup> men of were to be layd in garnysoune in  
placis vndirwrittin on the bordouris for the defence of the samyne, and  
resisting of oure saide ennemyis. And the sovme that salbe payit to  
thare wagis salbe devidit and gevin be the thre estatis eftir the forme of  
the ald vse and consuetude of divisioun made of before, that is to say  
xij<sup>xx</sup> of men of were to be furnyst be the clergy, xij<sup>xx</sup> be the barouns, vj<sup>xx</sup>  
be the buowis.

## THE PARLIAMENT HELD AT EDINBURGH, 2D DECEMBER 1482.

Aganis the inbringing of corrupt or mixt wyne within the realme.

11th Decem-  
ber.

THAT in tyme tocum nane of oure Souerane Lordis liegis bring corrupt or mixt wyne within the realme ; and gif ony sic happinnis to be send haim, that na man sell nor tap it fra it be declarit be the bailyis and gustaris of wyne that it is mixt or corrupt, bot send it agane furth of the realme vnder the pane of dede ; and that na persoune within the realme tak apon hande in tyme tocum to mix wyne or beire vnder the pane of dede as saide is.

## THE PARLIAMENT HELD AT EDINBURGH, 16TH FEBRUARY 1483.

Anent wappinshawings.

24th February. IT is thocht expedient be the thre estatis of this parliament that our Souerane Lordis patent lettres vnder his priue sele be written to all schireffis baillies and officiaris within his realme, charging thame that be opin proclamacioun and vther wais, warne his liegis within the boundis of thair office, that thai wele abelyeit for were be redy apone aucht dais warning tocum to the King or his lieutennant whar thai salbe chargit, for the defens of the realme and resisting of his inymyis, furnist with vittale and expense for the space of twentj dais efter ther cuming to the place and terme assignit to thame. And that the said schireffis proclaim and hald wapinschewingis within the boundis of ther office to se that oure Souerane Lordis liegis be bodin for were efter the forme of the act of parliament and to punyse thaim that ar absent and nocth wele abeilyeit efter the forme of the said actis made therapoune. And the said schireffis and baillies to warne the King the day of the takin of the wapinschewingis that he may send certane seruandis of his avne to se that his liegis be bodin and that the said schireffis and baillies do ther office as efferis therin. And what schireff or officiar beis fundin necligent or sleuthfull in his execucioun of ther office to be punyst efter the forme of the said act, and that the schireff sall put in roll and bill how mony speris bowis and axis defensible personis that he findis within the

schir, and bring the names of thaim to the assemble of the kingis hoist vnder his sele and vther four seles of the baronis that beis in the schire. And that the baillies of the regaliteis vse and excerce the priuilege in halding of wapinschewingis within thare self efter the forme of the act of parliament maid therapoune.

A.D. 1485.

## THE PARLIAMENT HELD AT EDINBURGH, 9TH MAY 1485.

Anent the peee now takin betuix our soverane Lord and Richard King of England, and the meringe and aliane appunxit to be maid and performyt, and as to the persons and the expenses of the ambaxate.

1. AND as to the estatis and novmer of the personis that sall pas in the said ambassat, the Lordis [of the Articulis] thinkis that for the honour of our Souuerane Lord ther salbe sex personis that sal pas in the said ambassat, that is to say, a bischop ane erle a lord of parliament ane honorable and wise clerk a knyght that is a baroune and a squiare that is a baroune, ande with thaim seruandis to complete to the novmer of fiftj twa personis, ande that thai sal haue to thair expense five hundredth pund Scottis, the whilk salbe pait be the thre estatis in this forme, that is to say, be the prelatis and clergy twa hundredth lib., be the barounis twa hundredth lib., and be the buowis ane hundredth punde. And that this taxt be incontinent raisit and brocht in that it ma be redy to deliuer to the said ambassat befor the day of ther passage, sa that in defalt therof thai be nocth tarijt as the last ambassat was.

26th May.

For eschewing of the dammage sustenit be the liegis in the mynysyng in the finace of silver werk.

2. ALSA it is avisit and concludit be the Lordis of the Articulis that for the eschewing of grete dammage and scaithit that our Soueran Lordis liegis sustenis be the goldsmythis in the mynysyng in the finace of siluer werk, that fra thyne furth thare be in ilk burghe of the realme whare goldsmythis ar, a dekin and a serchour of the craft, and that all goldsmythis werk be merkit with his avne merk, the dekynnis mark, and the merk of the toune of the finace of xj d. fyne. And whar ther is fundin ony sic werk within the said finace, the werk to be brokin,

A.D. 1487. the werkman to vpmak the avale to the finace forsaide and the said werkman to be punyst at the Kingis will. And that na goldsmyth tak apone hande to be a maister or to halde oppin buthe of the craft, bot gif he be admittit be the officiaris of the craft and the hale body of the craft. And gif ony be fundin vsande craft haldande oppin buthe that ar vnsufficient that sic personis be causit to cesse and put vnder a maister of crauft. Ande this act to be put to execucioun within xl<sup>th</sup> dais nixt folowande the proclamacioun of the samyn.

#### THE PARLIAMENT HELD AT EDINBURGH, 1ST OCTOBER 1487.

3th October.

THIR ar the articlis that the commissaris of burrowis desiris to be red in presens of oure Souerane Lorde and his lordis, etc., and to be ratifyit and apprevit in this present parliament for the vndoing and doune putting of the lettre of marque gevin be the King of Romanis upoun our Souerane Lordis liegis spirituale and temporall.

That thair be ane ambaxiat send to the king of Romanis with commissioun to labour for the doune putting of the letter of marque.

1. It is statut and ordanit and thocht expedient be the hale thre estatis of the realme that ther be ane ambaxiat, that is to say, a clerk and twa burges men sende our see to the King of Romanis with commissioun of power to laubour and be diligent in all gudely haist for the doune putting and distroyng of the letter of marque, and the costis to be made hereapoun salbe sustenit be the hale merchandis of borowis, ande that the saide expense may be inbrocht betuix this and Martimes for the haisty passage of the saide personis considering the tyme is schort and approchis of the suspencioun of the said letter of marque, the whilk induris bot whil Pasch, ande that our Souueran Lordis lettres be direct to all the officiaris of borowis to speid the inbringing of the said expense be the said Martimes day vnder the pain of warding of ther personis and payment of the somes vnbrocht in, of thair avne proper gudis, the whilkis hale commissaris has nemmit and ar content of maister Richard Lausoun for the clerk, Stevin Lokhert and Robert Merser or James Rollok for the burges. Ande the said commissaris

desiris of our Souuerane Lordis gude grace his grete sele, to gidder with the selis of his lordis that gaif the sentence here in Scotland apon the Cullonaris clame to be hunging to the saide sentence and process therof, for the verificacioun of justice that thai gat in Scotland whilk may be distruecioun of the said letter of marque.

Thir ar the actis and statutis that the haill coumissaris of burrowis desyris to be ratifyit and apprevit in the present parliament, and to be put to execucioun for the honour of our Souerane Lordis hienes, his realme, and weiffair of merchandis.

That the actis of Parliament made upon salaris furth of all burrowis in the partis of Flandris Holland or Seyland be put to execucion.

2. ITEM, it is statut and ordanit that the actis of parliament made of before apon the grete multitude of simple vnhonest personis, salaris furth of all burrowis southe and northe in the partis of Flanderis, Holland or Seyland, micht be put to dew execucioun sa that na man sale in the saidis partis in the way of merchandice bot famous and woureschipfull men, haifand ilkane of ther awne half a last of gudis or samekle in sterage 'and gouernance, vnder the pane of ten pundis to be rasit to oure Souerane Lordis vse as the aulde act proportis. And als that na merchant sale within the foresaid partis in merchandise bot gif he be a fre man of a burgh and induellare of the samyn vnder the said pane. And that serchouris micht be lymmit hereuppone haifande power to execute and serche the actis and rais the pane and inbring the samyn to oure Souerane Lordis chekker als oft as thay salbe funding doand the contrare hereof. And that in ilk burgh the prouest baleyeis and custumaris be serchouris and ansuere herefore.

That the Act of Parliament tueching the craftsmen usand and deland with merchandise be put to execucion.

3. ITEM, it is statut and ordanit that the Act of parliament tueching the craftsmen vsande ande delande with merchandise micht be put to execucioun sa that he that is a craftsman outhir forbere his merchandise or ellis renunce his craift, but ony dissimilacioun or colour under the

A.D. 1487. pain of eschete of the merchandise that he vsis occupyande his craift. And this eschete to be inbrocht be the said serchouris to our Souueran Lordis vse and compt therof to be made in his chekker.

That the Act of Parliament anent the chesing of officiaris in borowis be ratifit and put to execucioun.

4. ITEM, it is statut and ordanit that the act of parliament anent the chesing of officiaris in borowis be ratifit and appruft and put to execucioun in tym to cum to be obseruit and kepit, sa that the eleccioun of the officiaris micht be of the best and worthiest induellaris of the toune and nocht be parcialite nor masterschip, whilk is vndoing of the borowis whare masterschippis and requestis cummis.

That the Act of Parliament anent the fraucht and laiding of schippis be put to execucioun.

5. ITEM, it is statut ande ordanit that the act of parliament anent the fraucht and laiding of schippis be put to execucioun efter the tenour of the samyn, and that na gudis be furit be the master apoune his ourloft nor the merchandis gudis be strikin vp nor vnresenably sperpalit nor reving vnder the pain of tuentj lib. to the Kingis vse ; ande this to be serchit be the officiaris of the burge ande the hede frauchtis-men of the schip whilkis sal ansuere therfor.

Anent the barell bind of salmond not to be mynst.

6. ALSO, it is statut and ordanit be the thre estatis in this parliament that the barell binde of salmonde sulde kepe and contene the assise and mesour of xiiij gallonis, and nocht to be mynst vnder the pain of eschete of the salmonde whar it is fundin les to the Kingis vse ; and that the provostis, baillies and custumaris be serchouris hereto, and that ilk burge haue thre hupe irnis convenient herefore, ane at ilk ende of the barell, and ane in the middis for the mesuring of the barell, and a birnyng irne to mark the samyn, vnder the pain of eschete of the barell vnmarkit.

That certane commissionaris of borowis convene in ilk yere in the burgh of Inverkethin.

A.D. 1487.

7. ALSA, it is statut and ordanit be the hale thre estatis that yerely in tyme tocum certane commissaris of all borowis baith southe and northe convene ande gadre to giddir anis in ilk yere in the burgh of Inuerkethin on the morne efter Sanct James day with full commissioune, and ther to comoune and trete apoune the welefare of merchandis, the gude rewle and statutis for the commoune proffit of borowis, and to provide for remede apoune the scaithe and iniuris sustenit within buowis, ande what burgh that comperis nocth the saide day be ther commissaris to pay to the costis of the commissaris five lib., and yerely to haue oure Souuerane Lordis lettres to distrenye therfor and for the inbringin of the samyn.

Anent the fisching and making of hering at the west sey.

8. ALSA, it is statut and ordanit that the act made of befor be the Lordis of our Souueran Lordis counsale anent the fisching and making of hering at the west sey and of vther fische and merchandise, be putt to execucioun obseruit and kepit at all tymes and specialy now at this tyme, and strait serchyng pass therapoune and punycioun to be execut efter the tenour of the saide act.

#### THE PARLIAMENT HELD AT EDINBURGH, 11TH JANUARY 1487.

Anent the mariagis of our Soverane Lord and our Lord the Prince his son.

1. It is thocht expedient be the Lordis of the Artikillis that anent the 29th January mariagis of oure Souuerane Lorde and oure lorde the prince his sone, sen thare is of before commonyng had of the said mariagis to be made in Ingland, and a dyet appoynit for the ending therof, and certane ambassiatouris ordanit to mete in the moneth of Maij owther at a certane place in Ingland or in the toyne of Edinburgh, as is contenit in certane indenturis made therapoune, That therfore oure Souerane Lordis Hienes sal send certane ambassiatouris, that is to say, a bischop a lord of par-

A.D. 1487. liament a clerk and a knicht or a honorabile squyare, and thai to be nemmit and chosin be the King. The whilk ambassiate sal pas to the Newcastell or York in Ingland or what vther place contenit in the saide indenturis, geif the king of Ingland wil nocth send to Edinburgh. And the said ambassiatouris sal be to the novmer of xxx persons and sal haue to thare expense ij<sup>e</sup> and 1 lib. Scottis. The whilk salbe pait in this wise, j<sup>e</sup> lib. be the prelatis, j<sup>e</sup> lib. be the barones and 1 lib. be the buowis. And this to be brocht in be the first day of Aprile next to cum and deliuering in Edinburgh to master Richard Robisone and Thomas Tod as depositouris. And falyeand that the said ambassiate pas nocth, the saidis depositouris sal keip the said money in thare handis to be gevin to the expense of the next ambassiate that pass in sa fer as it extendis to.

Anent the fisching and making of hering and uthir fischt at the west sey and lowis.

2. ITEM, it is statute and ordanit that the act deliuernce and ordinance made of before be the lordis of our Souerane Lordis consale anent the fisching and making of hering and vthir fische at the west sey and lowis, be obseruit and kepit in tyme to cum as wes ordanit of before be the parliament. And that our Souerane Lord graunt na lettres in tyme to cum, in breking thairof nowthir to stranglearis nor vthiris. And gif ther be ony persounis that has sene the making of the said act and ordinance done in the contrare thairof and brokin the samyn, that thai persounes be in continent callit therfore, and geif thai be fundin culpable therin, that thai be punyst after the forme of the samyn act and ordinance.

## ACTA REGIS JACOBI QUARTI.

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THE PARLIAMENT HELD AT EDINBURGH, 6TH OCTOBER 1488.

Of our Soverane lordis marriage and a contribucioun for an ambaxiate to be send  
thairupon.

1. SENE oure Souerane Lord is now be the grace and mercy of God 17th October.  
of perfitt age to complett the haly band of matrimonye with a nobill  
prencis borne and discendit of ane worchefull house of auld honour and  
dignite, that thar for in this present perliament it is avisit and con-  
cludit that ane honorabill ambaxiate be send in the realmes of France,  
Britane Espanye and vtheris places salbe lymitt, that is to say, ane  
bischop ane erle or ane lord of parliament, a clerk, a knyght, and with  
thame to the nowmere of 1 horse to avise, commone and conclud in the  
said mater, hafand full commissioune thar apoune. And the tyme of  
thar remanyng and thar honorabill expense is modifit in this present  
parliament to the soume of v<sup>m</sup> lib. to be raisit, ij<sup>m</sup> of the clergy, ij<sup>m</sup> of the  
baronis and ane thousand of the burrowis. And the said ij<sup>m</sup> of the  
baronis to be rasit of baronis and fre tennandis and nocht one the  
commoune pepill, and this contribucioune to be inbroicht betuix this and the  
xv day of Januar nixt to cum. And that nothir the clergy, baronis, fre  
tennandis, nor commissariis of burrowis pass out of this toune vnto the  
tyme the taxt be maid and concludit of the soume forsaid. And res-  
sauouris herof to be, for the clergy the abbot of Halirudhouss, for the  
baronis the thesaurare, and for the commissaris Walter Bartrem. And  
the Kingis Hienes sall send in continent ane clerk, ane honorabill squiare  
or ane herald in France, Espanye and vthir neidful placis to se and con-

A.D. 1488. sider ane honorabill prencis according to the dignite, honoure and emplessour of our Souerane Lord with the lettres of credomes, and to report and certify oure Souerane Lord the King thar in.

Of a commissioun to renew the consideracioun betuix the realmes of France and Scotland.

2. MARE, oure the saidis ambaxiatouris shall haue comissioun and full pouer to renew the haly aliaj, lig and consideracioun maid betuix the realmes of France and Scotlande lik as has bene obseruit and kept betuix thar maist nobile progenitouris, and now of laite ratifit, appreisit and confermyt be the autorite of oure haly faider the Paipe.

Anent gudis takin fra burgessis and merchandmen sen the tyme of the feild of Sterviling, and of a generale remissioun to thaim.

3. ITEM, it is avisit and concludit that all burgesis and merchandmen duelland to burghes and vsand the coursis of merchandis, and all vnlandit men duelland to landwart, that ony gudis wes takin fra othir be obligacioun, souerte, band or vtheris wayis sene the tyme of the feild of Steruiling, be restorit agane to the personis and awnaris that thai wer takyne fra, except alannerly the gudis that wes takine in the said feild of Steruiling. And that the saidis personis obligacionis and souertes be fred and releschit, and sa to be jugit thareftere now in this present parliament and in tyme to cum, and that the Kingis Hienes of his grace mouit of piete remittis and forgevis generaly and specialie all the burgesis merchandis and vnlandit men forsaide the rancor of his hert, and all sect of court, for the accioune and cause of thar being in the feild of Steruiling Blakness or vtheris placis agane his hienes, allannerly for that ponct, and newer to be tane in dittay tharof in tym to cum.

Anent the replegeing of the inhabitantis of burrowis fra the justices.

4. ITEM, it is statut and ordanit anent the article belanging to burrowis in the tym of the justice aieris whilkis has bene replegeit fra justicis, he sittand in the principale burgh of the schire to thar fredomes, throw the whilkis replegeing justice has nocht bene done apone the inhabitantis of

the saidis burrowis in tym by gane, tharfor in tym tocum it salbe lechfull to the Kingis justicis, he sittand in the principall burge of the rialte apoune the mater of the aire, to gif ane assise of all the inhabitantis within vtheris burrowis, and noct to lat thame to borghe and it pleseth him; and to gif thaim ane assise of ther avne nichbiaris that best knawis the verite gif thai be present. And gif sa mony be noct present that thai may be to sufficient nomer, that it salbe lefull to him to cheise ane assise of the said heid burge, or to eike the nomere as he thinkis maist expedient for the gud of justice, and without preiudice of the fredomes of the said burrowis, etc.

A.D. 1488.

That all schippis cum to fre burrowis.

5. ITEM, it is statut and ordanit that in all tym to cum all maner of schippis strangearis and vtheris cum to his fre burrowis, sic as Dum-bartane Are Irwyne, Wigtonne, Kircudbrycht, Renfrew, and vtheris fre burrowis of the realme and thar mak thar merchiandis, and that the said strangearis by na fische bot saltit and barrellit, nor by nain vthir merchiandis bot at fre burrowis and thar pay thar dewites and custumes and tak thar cokket as efferis, and that thai mak na merchandis at the lowis nor vthir mane land bot at fre burrowis as said is, and that nain of oure Souerane Lordis liegis tak schippis to fraucht vnder colour to defraud oure Souerane Lord or his liegis vnder the pane of tynsall of thar lifis and gudis, and that na stranglear do in the contrare vndir the pain of tynsale and confiscacioune of thar schip and gudis to oure Souerane Lordis use.

#### THE PARLIAMENT HELD AT EDINBURGH, 14TH JANUARY 1488.

Anent the barrell of salmon, &c.

ANENT the barell of salmond and the pakking and mesure of the 26th January, samyne be the whilk oure Souerane Lord and his liegis ar defraudit, it is statut and ordanit that the said mesure of the barell whilk is callit of ald the Hamburghe barell be of the mesure of xiiij gallonis, and that twa girthis be maid of irne, ane for the middis and ane for ilkane of the endis, and send to Perth and Aberdene and vthir places neidful whar salmonde

A.D. 1488. ar maid for the observacioune and keping of the said mesure; and quhar ever it beis fundin that ony salmond be maid within the said mesure that thai be our Soverane Lordis eschete, and scharp execucioune to be maid be the Kingis custumaris and serchiouris that salbe lymmyt thar to in all partis of the realm hereuppoun.

## PARLIAMENTS HELD AT EDINBURGH.

Of the statutis of mettis and mesuris.

3th May 1491. 15. ITEM, it is statut and ordinit for the commounue gude of the realme, honour and proffit of oure Soverane Lordis liegis, that the auld statutis and ordinancis maid of before, baith to burghe and to lande, alswele of mettis and mesuris, custumis and utheris, be observit and keptit efter the tenour and forme of the actis and statutis maid thareappone and undre the panis contenit in the same, and that the Chaumerlane provide that this be observit and keptit, and specialy of wechtis alsewele of wax as spice, and xvij once in the pund.

Anent legis and bandis and convocacioune of commonis in burrowis.

17. ITEM, it is statut and ordinit that within the burrowis throwout the realme that na legis nor bandis be maid, na yet na convocacioune, na rising of commonis in the hendirng of the commounue law, bot at the command of thare hed officiare, and gif that ony dois in the contrare and knawlege and taynt be gottin thairof, thare gudis that are fundin gilty thairin to be confiskit to the King and thair livis at the Kingis will, and that na man duelland within burghe be bundin in manrent, na ride na rout in fere of were with na mane, bot with the King or with his officiaris, or with the lord of the burgh thai duell in, or with his officiaris, undre the samyn pane; and also that na induellare within burgh purchese na out lordschip na maisterschip to landward to rout na rid nor pley at bar or ony uthir way in the oppressioun of his nychbour, bot sobrely, nychtbour to nychtbour, under the pain forsaid; and that every man duelland in burghe anser and obey to the officiaris as said is quhen and in quhat wise thai sall be chargeit be the said officiaris in the defence of the realme and liegis thairof and for the commounue gude and wele of the burghe and in the administracioune of

justice and law, undre the painis forsaid; and at the justice clerk yerely, in the takin of dittay, inquere apone the said poyntis, and the brekaris thairof to be punist be the justice as uthir crimes efter the forme of the said act. A.D. 1491.

**Of the common gud of all burrowis.**

19. ITEM, it is statut and ordinit that the common gud of all our Sovrane Lordis burrowis within the realme be observit and kept to the commounue gude of the toune, and to be spendit in commounue and necessare thingis of the burghe, be the avise of the consale of the toune for the tyme and dekkynis of craftis quhare thair ar, and inquesicione to be takin yerely in the Chamerlane airis of the expensis and dispositioun of the same; and attour that the rentis of burrowis, as landis, fischingis, fermes, myllis, and utheris yerely reveneuuis, be not set bot for thre yeris allanerly, and gif ony hapinis to be set uther wayis that thair be of nane avale, force, nor effect, in ony tymes to cum.

**Anent the proclaiming of thir Acts and Statutes.**

20. ITEM, it is statut and ordinit that all schereffis, bailyis and provestis of burrowis tak the copy of thir actis and statutis for the fulfilling of the same, and to mak thaim be oppynly proclamit within the boundis of thare office, undre the pane of payment of ane unlaw of parliament, to be raisit of the brekaris herof but favouris.

**Anent the craftsmen of burrowis that takis taxatioun penny of men of the samin craft cummand to the merket.**

13. ITEM, it is thocht expedient, because it is cleirlie vnderstandin that the craftis men of burrowis, sic as cordinaris and utheris, takis of men of the samin craft cummand to the merket, on the Monunday, a penny of ilk man, quhilk is the cause of derth and exalting of thair pennyworthis, sic as schone was wont to be sauld for xij d., or better schape, and uther merchandie that is exaltit for a penny to sax or aucht pennyis, quhilk is greit skaith to the commone proffet, that thairfor na maner of craftsmen, sic as cordinaris, tak ony maner of taxatioun penny nor uther than was wont to

26th June  
1493.

A.D. 1493. be takin of the auld law ; and quha sa dois in the contrair salbe repute as ane oppressour of the Kingis liegis and to be indictit thairfoir. And the clerk of the justice air to tak dittay thairupoun, sua that he that is brekar heirof sall by his life thairfor as for common oppressioun.

Anent the using of dekynnys of men of craft in burrowis and als anent men of craft that statutis to have fee for the haly day.

14. ITEM, becaus it is cleirly vnderstandin to the Kingis Hienes and his thre estatis that the using of dekynnys of men of craft in burrowis is rycht dangerous, and as thay use the samin may be the caus of greit troubill in burrowis and convocatioun and rysing of the Kingis liegis, be statutis making contrair the commone proffet, and for thair singulair proffet and avale, quhilk servis greit punytioune, and als belangand masonis and uther men of craft that convenis togidder and makis reule of thair craft, sic as masonis and wrichtis and utheris, that thay sall have thair feis alsweill on the haly dais as for wark dais, or els thay sall nocth laubour nor wirk ; and als quhat personis of thame that wald begin ane uther mannis werk and he at his plesour will leif the said werk, and than name of the said craft dar nocth compleit nor fulfill the samin wark, it is heirfoir avisit, statute and ordanit that all sic dekynnys sall ceis for ane yeir and have na uther power bot allanerly to examyne the fynace of the stuffe and werk that beis wrocht with the remanent of his craft. And als belangand masonis, wrichtis and uther men of craft that statutis that thay sall haue fee alswele for the haly day as for the werk day, that all the makaris and usaris of the said statutis salbe indictit as commone oppressouris of the Kingis liegis be thir statutis ; and that the clerk of justitiary sall tak dittay thairupoune and thai to be punist as oppressouris ; and in likewise of the makaris of the statutis that quhair ony begynnys ane mannis werk ane uther sall nocth end it, that all the makaris and usaris thairof salbe punyst as oppressouris of the Kingis liegis, and dittay to be takin thairupoune as is abone writtin.

Anent the taking of multur of the floure that cumis furth of uther lands to burrowis.

15. ITEM, anent the complaint maid upoun the taking of multur of the floure that cumis furth of vther landis to the port and havin of Leith, it is

thocht expedient, avisit and ordanit that all sic statutis ceis unto the nixt parliament, and that thair be na multur takin for sic floure in tyme tocum, nor of the floure that cummys to the merket, bot at it may cum to the mercat and be sauld without multur or ony uther new taxatioun than was usit to be takin of befoir, and that all maner of man be fre to bring and sell victual all the dais of the ould alsweil as on the merket day. And this act to be observit and keipit in all burrowis of the realme.

A.D. 1493.

**Of the taxatiounis to be takin be custumaris within burgh.**

17. ITEM, it is statute and ordanit that na custumaris within burgh tak ony mair taxatiounis, custumis or dewteis than is statute and usit in the auld law; and quha that dois in the contrare to be punist as ane oppressour and brekar of the Kingis law, and dittay to be takin thairof. And in likewise that thai that usis fals mesouris and wechtis, dissavand the pepill, to be indictit as falsaris, and dittay to be takin thairof be the justice clerk.

**Anent the barrelling of salmond of the aulde bind of Abirdene.**

23. ITEM, it is statute and ordanit that the auld statute maid anent the barrelling of salmond of the aulde bind of Abirdene be observit and keipit eftir the forme of the samin, with this additioune that quhair ony cowper or craftisman makis ony barrellis of les bynd than the said aulde bynd and beis convict thairof sall pay x s. for ane unlaw, and dittay to be takin thairupoune.

**Of the prices maid upon all maner of stuffe wrocht be ony maner of werkman.**

5. ITEM, it is statute and ordanit for the remeid of the greit hurt and oppressioun done to oure Soverane Lordis liegis through disproportioun of prices maid be craftsmen and werkmen upone all maner of stuffe that thai werk and sellis, far excedand the price of the stuffe thai by, that thairfor all baronis, provestis and baillies of burrowis, and utheris that hes the reule and directioun of throughfairis and hostillaris throu all the realme, mak diligent inquisitioun and tak knawlege of the price of vittallis and

13th June  
1496.

**A.D 1496.** all uther stuffe wrocht be ony maner of werkman, according to the price of the saidis vittalis and stuffe, that thai sett and ordane certane price, gudenes and fynace upone breid, aill, and all uther necesser thingis that is wrocht and dayly bocht and usit be the Kingis liegis, and that thai mak certane prevaris and examinatoris to wait daylie upone the keping heirof, and quhair ony werkman beis notit takand exorbitant price for his stuffe, abone the price and ouer far disproportionate of the stuffe he byis, that he be punist be the saidis baronis, prowestis and baillies, and utheris havand the directioune and reule of the said throughfairis and hostillaris, be the taking of ane unlaw of the court that he is under for the first tyme, and ane unlaw and escheiting of the stuffe that beis exorbitantile saulde the secund tyme, and the thrid tyme depriving and suspending of thame fra thair craft and escheiting of the said stuffe saulde ouer deir as said is.

**Anent hostillaris and luginis, baith to burgh and to land.**

**15th March  
1503.**

17. [ITEM, it is statut and ordanit anentis hostillaris and luginis, baith to burghes or to lande, becaus the gret exorbitance in the takin of our mekle and gret expense for thair luginis, that thairfor in tyme to cum that ony persones beis lugijt and has horse byand thair horsemete at the said hostilare quhar he lugis, that in that caise thai soll haif thair bede free, and quhare the hostilare has na horse mete within bot byis outwith fra other persones and takis na mare of thaim bot thair bedes and use of veschele for being thair thai soll pay for ilk persone ilk nycht j d., the first nycht ij d., and gif thai byd langar j d.; and this soume to be pait for beilchere and na mare, under the pane to the takar to be jugeit ane oppressar and inditit thairfor. And that the officiaris baith to burgh and to land mak this statute to be kepit, under the pane of punitione of thair persons.]

Memorandum, that it be ordanit that all prowest and balyies within ony burgh or toun and sheriff, balye or stewart within thair bondis, avise with thair luginaris and hostillaris within thair bondis anent the lugin the honesty thairof and the price that soll be pait thairfor, and that [be avisit with the commissaris of burrowis now in this parliament hereapone] and the lordis justice and commissionaris that passes to the aris call the officiaris of ilk toun as pas throw the cuntree before and avise hereupone

quhat the fute men soll pay the hors man soll pay, and quhat he soll pay A.D. 1503.  
that is better lugit and quhat wer his lugin [and belechere.<sup>1</sup>]

Of the wallis and portis of townis standand on the sey side.

20. ITEM, it is statute and ordanit that all tounis and portis standand one the sey side, sik as Leth, Inverkethin, Kingorne, Disert, Crale and otheris, war thair commone gudis one the wallis of thair toune to the sey side with portis of lyme and stane.

Of officiaris havand office of jurisdiction within Burgh.

28. ITEM, that all officiaris, provestis, balyeis and other havand office of jurisdictione within burgh be changeit yerelie and that nain haif office of jurisdictione within burgh bot thai [that] usis merchandice within the said burgh.

Of the jurisdictione amangis merchandis in the partis beyond se.

32. ITEM, it is statute and ordanit, for the wele of merchandis and for the gret exorbitant expense maide be thaim apone pleis in the partis beyond se, that tharefore the conservatour of this realme haue jurisdictione to do justice amangst the said merchandis, our Soverane Lordis liegis, that is to say betuix merchande and merchande in tha partis beyond se, ande the saide conservatour proceide nocht apone ony materis amang the said merchandis bot gif thare sit vj of the best and honeste merchandis of maist knawlage of the realme, that soll syt and haue powar with him, gif sa mony cane be gottin, and gif thair be nocht to the nomer of sax that thar sit foure merchandis with him at the lest that soll have sik like powar with him to ministre justice, and that na merchande persew ane other before ony other juge beyond se nor do in contrare this act, under the pain of v li. to be pait to the King of the persewar and payment of the expense to the partij persewit.

Of the conservatour of Scotland.

33. ITEM, it is statute and ordanit that the conservatour of Scotlande soll cum yeirlie hame or sende ane responsale procuratour for him, yeirlie, that

<sup>1</sup> The words in this Act printed within square brackets are deleted in the original.

A.D. 1503. sall ansuere to ever ilk mane apone all thingis that thai haif to say to him for ony materis, and mak certification to the King and his consale of the sending of the saide procuratoure, and that under the pane of tynsale of his office and the payment of xx li. grete to the King.

Of the malt makaris in burrow tounes.

34. ITEM, it is statute and ordanit that all the malt makaris of Leith, Edinburgh, and other places about Edinburgh, or other burrow tounes within the realme, present thair malt to the merkate in tyme to cum, and ilk day be merkate day for vittale except the halyday, and sell nocth the samyne quhill ix houris, under the pane of eschaete of all malt that is saulde otherwais, and that the provest and balyies of everilk tone se that this statute be kepit, and that thai haif poware eschaete the samyne and ansuer to our Soverane Lord in his chekker yeirly therfore, quhais handis that ever it be fund in, and that the malt makaris tak na mare for the makin of ane chalder of malt bot ane boll of ber, and quha dois in the contrare hereof sall be reput oppressouris of the Kingis liegis and dittay tane theruppone to the justice are.

Anent faris haldin apon halidais or within Kirks and Kirkyardis.

36. ITEM, thair be na merkate nor faris haldin apone halidais, nor yet within Kirks and Kirkyardis apoune haly dais or other dais, under the pane of escheting of the gudis.

Anent the fredomes and privilegis of merchandis and burrowis.

37. ITEM, it is statute and ordanit that all the merchandis of the realme ande the burrowis brouke and haif thair alde fredomes and privilegis, grantit and gevin to thame be our Soverane Lordis progenitouris, of maist nobill mynd, be observit and kepit to thaim, and that na persounue duelland utouthe the burrowis use ony merchandice, nor yet tap nor sell wyne, walx, silkis, spicerie, wad, nor sik like stuf, nor yet stapill gudis, ande that na mane pak nor pele in Leith nor uther placis utouthe the Kingis burrowis, under the pane of eschaeting of the gudis to the Kingis use that be tappit, salde, pakkit or pelit agane this statute.

That the commissaris of burrowis be warnit quhene taxtis or contributiones are gevin.

A.D. 1503.

39. ITEM, that the commissaris and hedismen of burrowis be warnit quhene taxtis or contributiones are gevin to haif thair votis as ane of the thre estatis of the realme.

Of the making of burgesses.

41. ITEM, that provest, aldermane nor balye mak burgesses without the avise and consent of the grete consale of the toune, and that the profit that is tane for the making of ilk burges be put to the commone gude and warit one the commone werkis.

Anent ligis and bandis be induellaris in burghs.

43. ITEM, that name nychbouris, craftismene or gentilmene, burges or induellaris in the burgh, usurp again the autorite of the Kingis officiaris chosing in the burgh, nor mak ligis nor bandis in contrar the samyn, under the panis contenit in the lawis and statutis of the burgh.

That na man house woll, hidis nor skynis outwith free burrowis.

44. ITEM, that na man house woll, hid nor skyne in Letht, nor in uther partis outwith free burrowis, for the kepin of the Kingis custumez to cum in hale as accordis.

Of mesouris and wechtis.

47. ITEM, it is statute and ordanit that all mesouris and wechtis, baith pynt, quart, ferlot, pee, elwande, stane and punde be of ane quantite and mesour quhilk salbe ordanit in Edinburgh be our Soverane and his chauermlane and consale, and that everilk burgh cum and feche thair mesouris furtht of Edinburgh selit and maide and keip the samyne, and quhar thair is ony fermez aucht in heritage of the auld mete that the said fermez be proportionat to the quantite of the aulde mete and pait with the new mete to the avale of the aulde mete proportionaly, ande gif ony personnes use ony other messouris or wechtis in tyme to cum bot the messouris and wechtis now to be maide as said is it salbe ane point of dittay, and thai to be inditit therfore fra thin furtht.<sup>1</sup>

<sup>1</sup> Nearly all the foregoing Acts passed on slight verbal alteration, on 20th March, 15th March are repeated, with occasional and

## Anent Beggaris.

20th March  
1503.

14. ITEM, anent beggaris that the statute of King James the First, maid upon stark beggaris, be observit and kepit, and that the shereffis, provestis, ballies within burrowis, baith of rialte and regalite, spirituale and temporale, see that this act be execute and keipit; and that thai thoill nane to beg within thame except crukit folk, blind folk, impotent folk and waik folk, under the pane of payment of ane merk for ilk uther beggar that beis fundin.

## Of wappinschawis.

20. ITEM, it is statuite and ordanit for the keping of armour and harnes that it be nocht spilt nor distroyit in tyme of pece, that all Scotland mak thair wappinschawis upone Thursiday in Witsunday wolk, and that ilke officiare, as scheref, balye, stewart or utheris se at this act and statute be execute and kepit.

## ACTA REGIS JACOBI QUINTI.

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### PARLIAMENTS HELD AT EDINBURGH.

Anent the dampnable opunyeonis of heresy.

4. ITEM, it is statute and ordanit that forsamekile as the dampnable opunyeounes of heresy are spred in diverse cuntreis be the heretik Luthere and his discipillis, and this realm and lieges has fermelie persistit in the halifaith sene the samin was first ressavit be thaim, and never as yet admitit ony opunyeounes contrare the cristin faithe, bot ever has bene clene of all sic filthe and vice, therefore that na maner of persoune strangeare that hapnis to arrife with thair schippis within ony part of this realm bring with thaim ony bukis or werkis of the said Lutheris, his discipillis or servandis, despott or reherse his heresyis or opunyeounes, bot geif it be to the confusion thairof, and that be the clerkis in the seulis alanelie, under the pane of escheting of thair schippis and gudis and putting of thair persounes in presoune. And that this act be publist and proclamit out throw this realme, at all portis and burrowis of the samin, sa that thai may allege na ignorance thairof [and all uther the Kingis liegis, assistaris to sic opunyeouns, be punist in semeible wise and the effect of the said act to strik apone thaim, etc.<sup>1</sup>]

17th July  
1525.

Anent the supplicatioun of the toune of Myddleburgh in Zeland  
tuichand the staple.

Anent the supplicatioun gevin in befor the lordis of artiklis and of  
consale in the behalf of the burrow masteris, scabynis and consale of the  
toune of Myddleburgh in Zeland, tuichand the residence and staple of the  
merchandis and merchandice of this realme of Scotland, to be haldin at the

21st June  
1526.

<sup>1</sup> The following marginal refers to the words ium et dominos consiliij, quarto Septembris anno, within square brackets: "Addicio per cancellar- etc., v<sup>e</sup> xxiij<sup>o</sup>."

A.D. 1526. said toun of Mydleburgh for certane yeris tocum, conforme to ane contract allegit to be maid be the commissionaris havand command and procuratione speciale, als wele of our Soverane lord with avise of the Duke of Albany and lordis of counsale as procuratioun and consent of the principale townis of merchandice of this realme, that is to say, Edinburgh, Abirdene, Striveling, Sanctandrois, Sanct Jhonstone, and Dundee, to treit with the said toun of Mydleburgh apoune the said staple, lik as at mar lenth is contenit in the said suplicatioun, the saidis burrow maisteris and consale of the toun of Mydleburgh comperande be Cornelius Bertelsone, ane of the burrow maisteris of the saide toun, and maister James Foulis and Archibald Douglas, provest of Edinburgh, Thomas Menzies, provest of Aberdene, Robert Bertoune of Overberntoune, Gilbert Menzies, William Rolland, with diverse uther burgessis of Edinburgh, being personaly present, the lordis of counsale continewis the said mater in forme, force and effect, as it is now, onto the xiiij day of Julij nixt to cum, with continuatioun of dayis; and ordanis that the commissionaris of all the burrowis of this realme be warnit to comper the said day for thair interressis in the mater forsaid, and inlikwise the saidis Cornelius Bertelsone and maister James comperand for the saidis burrow maisteris as said is, produce the principale contract tuiching the said staple, allegit to be selit with the saidis selis agane the said day, geif it be possible at it may be hade in thir partis at that tyme, sua that justice may be done and minstrat in the said mater as efferis and letteres to be direct heirapoune.

Anent the mater of the staple.

17th Nov-  
ember.

The lordis assignis to morne, efter nune, to the commissaris of burrowis anent the mater of the staple, and at my lord thesaurar, provest of Edinburgh, produce the contract and wrytingis maid thairapoun in my lord of Abirdenis lugeing, and in lykwyse the personis that has the saidis wrytingis in keping to compere the said tyme and plaice.

Anent the recovering of the writingis laitle maid be our Soverane  
Lord to the toun of Mydleburgh.

21st Nov-  
ember.

In presens of our Soverane Lord and thre estatis of the realme, comperit in parliament William Adamsone, burges of Edinburgh, and band and

A.D. 1526.

oblist him, under the pane of tinsale of life, landis and gudis, that he sall bring the writingis laitle maid be our Soverane Lord, under his gret seile, to the toun of Mydleburgh and deliver the samin agane to the Kingis grace and lordis within xx dais nixt tocum, without langar delay, untransumyt auctentilly. And inlikwise Alexander Adamsone, brother to the said William, has presently bundyn and oblist him to the observing of the premissis, as cauciuon for the said William, under the samin panys. And thairfor ordanis William Adamsone to tak ane of the men of Mydleburgh, now beand in this toun, with him for recovering of the saidis writingis, and the tother to remane in ward quhill his returning and in sure keping.

Adnullation of ane pretendit contract maid be Alexander Mure and Schir James Cottis anent the stapill of merchandis to be had in the town of Middilburgh.

Anent the supplicatioune gevin in to our Soverane Lord and thre estatis of parliament be the commissaris of burrowis of this realme, makand mencioune that throw circumvencioun of our said Soverane Lord, now in his les aye, thare was ane pretendit contract maid be Alexander Mure and Sir James Cottis anent the stapill of merchandis of this realme to be had in the town of Middilburgh, quhilk is expres aganis the commone weil of this realme, and herschip, scaith and distractioun of the burrowis and merchandis of the samyn, as is noterlie knawin to oure said Soverane Lord and thre estatis; and be siclyk circumvencioun thair is ane confirmacioun maid of the said contract, undir the greit sele, with uther wrytingis undir the said sele, as at mair lenth is contenit in the samyn, desiryng thairfor that our said Soverane Lord and thre estatis forsaid to declare in this present parliament gif thai consentit to the said confirmacioun and letteres gevin thairapoun or noct, and to consider the greit damage and scaith at mycht fall to his realme and liegis throw occasioun of the said staple at the said town of Middilburgh, as at mair lenth is contenit in the said supplicacioune: Our Soverane Lord and thre estatis forsaid, eftir lang disputatioune, argumentis and resonis, producit and schewin in the said mater, and undirstanding that the said contract and confirmacioun redoundis all utirlie to his graceis dishonour, the greit hurt of his realme,

24th Nov.  
ember.

A.D. 1526. merchandis and burrowis of the samyn, and willing thame to broik all libertie and fredome, unconstrenzeit or choactit in his tyme, as thai have joisit in the tyme of his maist noble progenitouris of gud mynd, quhom God assolze, thairefore his hienes, with avise and consent of his thre estatis as said-is, has adnullit and dischargeit, and adnullis, dischargis and declaris the said contract, maid be the said Alexander Mure and Sir James Cottis with the pepill of Middilburgh, byndand the staple and residence of the merchandis of Scotland to be at the said toun, with confirmacioun and all that followit thairupoun, to be of nane availe, force nor effect in tyme to cum, for thir resouns following: In the first, the said contract, allegit maid be the said Alexander and Sir James, was and is of nane availe, because the commissioun grauntit to thame thairto, gif thai ony had, was gevin be Johnne duk of Albany, than governour of this realme, without the avise of the thre estatis, quhilk mycht nocht restrene our Soverane Lord nor his realme na maner of way, and at the ferrest but during the tyme of his governance, quhilk contract in that tyme come nevir till effect nor na executioun followit thairupone, and tharfor it is of nane availe. Secundlie, the said contract restrenis our Soverane Lord, his liegis, and thair gudis to the Empriouris jurisdictioun, howbeit our Soverane Lord and his maist noble progenitouris has evir bene fre and Empriouris within thame self, nocht subject to na erdlie creature undir God in thair temporalite. Thridlie, the said contract obllissis the merchandis, maisteris and marinaris to cum with thair schippis and gudis to the havin and port of Middilburgh, undir the pane of tynsall of thair schippis and all thair gudis, supponand be storme of wedir or truble of weirmen the saidis schippis be aventure may be drevin or chasit to uther portis, and sa mycht tyne thair schipis and gudis, by all resoun and conscience. Ferdlie, the said contract beiris that of the schippis and gudis sa eschetit the thrid part thairof sall pertene to our Soverane Lord, and ordanis him, be his procuratouris, to persew his awin liegis for the samin before the Empriouris private or greite counsale, quhilk war grete dirogacioun to his honour and prejudice to his graice and realme. And finalie, the said contract is cleirlie undirstand contrar the honour of our said Soverane Lord, the fredome and previlege of his croune, the commoune wele of his realme, burrowis, liegis and merchandis, and thairfore decernis the samin fra the begynning and in tyme to cum, with the confirmatione and all that followit thairupoun of nane availe, strenth

nor vigour; and with auctorite of parliament grauntis full licence, fredome and liberte to all merchandis of this realme to pas with thair schippis and gudis in merchandice quhare thai think mast proffettale and can be best tretit in all tymes cuming. And letteres of proclamationioun to be direct herupoune in sick forme as efferis.

Anent the selling of breid within the toun of Edinburgh.

2. ITEM, because of the gret repaire in Edinburgh, throu resorting of our Soverane lord his liegis and utheris strangearis, and it is necessare that thai be providit of breid, gude and sufficient stuff, tharefore it is statute and ordanit that thare be wolklie thre mercat dais for selling of breid within the said toune, that is to say, Monunday, Wednesday and Friday, wolklie, upoune the quhilk days it salbe lefull to all our Soverane Lordis liegis, baith in burgh and to land, tocum upone the sadis mercat dais to the said toune and sell thare breid for redy money, without truble or injuris to be done to the personis cumand with thair breid to the effect forsad.

Anent the selling of flesche within the town of Edinburgh.

3. ITEM, it is statute and ordanit inlikwise that thare be thre mercat dais, wolklie, in the said toune for selling of flesche, that is to say, Sounday, Monunday and Thurisday, wolklie, all maner of personis, baith to burgh and to land, salbe fre to cum and sell flesche for redy money for the furnessing of our Soverane Lord and his liegis and utheris reparand to the said toune.

Anent the carying of talloune furth of the realme.

4. ITEM, forsamekle as it was statute and ordanit of before that na talloune suld be had furth of the realme, for the eschewing of derth of the samin, nocht the les the talloune is carijt furth in gret quantite, quhilk has rasit exceedand derth in the cuntry, puttand the stane of talloune to ane double price or aboune, tharefore it is statute and ordanit in this present parliament that na persone nor personis tak upoune hand in tyme tocum to cary ony talloune furth of the realme under the pane of tynsale

A.D. 1526. of all thare gudis movable cumand incontrare herof, and that all custumaris at every port of the realme, quhare schippis are frauchtit, mak sercheouris to serche and seik all schippis, and quhare ony talloune beis schippit or brocht to the schippis to be carijt furth of the realm to eschete the samyn, that is to say the tane half to thare awine use that apprehendis the talloune and the tother half to oure Soverane Lordis use, and that the custumaris mak compt hereupoune yerelie in the chekker; and als that thai advertise our Soverane Lordis thesaurare of the personis awnaris of sick talloune eschetit, sa that he may inbring the remanent of thair gudis movable to oure Soverane Lordis use for thare contemptioune; and inlikwise that na maner of man, fleschar nor utheris, to burgh nor to land, tak upoune hand to rynd, melt nor barell talch, under the pane of tynsale of all thair gudis.

Anent fals money or conterfetis.

5. ITEM, forsamekle as divers wikkit evill avisit personis fenzies and contirfeitis oure Soverane Lordis money, quhilk may returne to the gret dampnage of this realme, without remeid be providit therfore in tyme, tharefore it is statute and ordanit that all provestis, aldermen, ballyes and officeris of burrowis serche and seik apoune all mercat dais, and uther tymes necessar, all personis that can be apprehendit haifand fals money or conterfetis the Kingis irnis of cunze, and bring or send thame to our Soverane Lordis justice to be justifijt for thare demeritis, efter the forme of the lawis of the realme maid aganis fals cunzeouris.

Anent the inbringing of the money promittit be the burghis.

The lordis ordanis letteres be writtin direct to command and charge, compell and distrenze the provestes, aldermen and ballyes of all the burghis in the realme for the soume of money promittit be thame to our Soverane Lord for fredome and liberte grantit to thame now in parliament to pas with thair schippis and gudis to quhat portis or partis thai think mast expedient for thair wele, utilite and proffet, as the act maid thairupoune beiris; and that the said letteres be direct in the scharpest forme that the comptroller can devise, sa that the said soume may be inbrocht with all dilligence for the furnessing of sic thingis as the Kingis grace has ado with

the samin ; and to poyd every burgh for thair awine part, after the forme A.D. 1526. of the taxatioune maid thairupoune.

Ratificatio concessionis facte Johanni Moffett, super officio conservatorie privilegiorum Regni Scotie infra boundas et limites Flandrie, Zelandie et Bribantie.

Quo die, idem Supremus Dominus noster Rex, in prefato suo parliamento presentibus tribus regni sui statibus, et de eorum expressis consensu et assensu, ex nonnullis causis et consideracionibus animum suum moventibus, illas concessionem et ordinationem factas et concessas dilecto suo Johanni Moffett de et super officio conservatorie privilegiorum regni Scotie infra boundas et limites Flandrie, Zelandie et Bribantie, pro toto tempore vite sue, prout in literis prefatj Supremj Domini nostri Regis, sub magno sigillo sibj desuper confectis, laciis continetur, de data apud Dunde decimo sexto die mensis Februarij anno Domini millesimo quingentesimo vicesimo sexto, et regni sui decimo quarto, confirmavit, ratificavit, et pro se heredibus et successoribus omnibus melioribus modo, forma et effectu, de consensu et deliberacione predictis, approbavit ; et desuper literas confirmatorias suas et acta parliamentj premissorum concessit et deliberarj mandavit.<sup>1</sup>

22nd January  
1528.

Anent the money debursit be the towne of Middilburgh and also  
anent the staple.

Anent the article tuiching the desyre of the towne of Middilburgh anent the money debursit be thame and als anent the staple, the lordis of the

27th April  
1531.

<sup>1</sup> [Translation]. Ratification of grant made to John Moffett upon the office of conservator of the privileges of the kingdom of Scotland within the bounds and limits of Flanders, Zeland and Brabant. On which day, our said Sovereign Lord, with express consent and assent of the three estates of his kingdom, present in his foresaid parliament, and for certain causes and considerations moving his mind, has confirmed, ratified, and for him and his successors, in the best manner, form and effect, with the consent and deliberation foresaid, approved the gift and ordinance made and granted to his lovite John Moffett of and upon the office of conservator of the privileges of the kingdom of Scotland within the bounds and limits of Flanders, Zeland and Brabant, for the whole time of his life, as more fully contained in the letters of our foresaid Sovereign Lord the King, granted to him thereupon under the great seal, of the date at Dundee the sixteenth day of the month of February in the year of our Lord one thousand five hundred and twenty-sixth, and of our reign the fourteenth ; and thereupon he has granted his letters of confirmation and acts of parliament in the premises and ordered the same to be delivered.

A.D. 1531. articlis thinkis expedient that because the Kings letteres under his greit sele ar past to the lord of Foire and thai partis, berand in effect that the merchandis of this realm haif fredome to use thair merchandice in the partis of Flanderis quhair thai pleis best, quharthrow the towne of Middilburgh has nocht optenit thare desire, tharfor ordanis the money at was deliverit for the said town of Middilburgh to the Kingis graice and his servitouris to be pait and deliverit agane to thame be the Kingis graice.

Of Walpinschawingis.

12th June  
1535.

19. ITEM, oure Souerane Lord for the strenthing and defense of the realm in tyme of were, sua that uyssis of armys be nocht abusit nor forzett in tyme of pece, ratifyis and apprevis the act maid be his Hienes fader, of maist noble mynd, quham God assolze, thairupoun, and ordanis the samin to be observit and kepit; and walpynschewing to be had twis in the yeir conform to the said act, that is to say that the saidis walpynschewingis salbe yerelie maid in tymes cuming upoun the 20th day of October, and in somer upoun the 15th day of Junij; off the quhilk act the tennour followis with additioun. [The following is the portion of the Act referring to Burghs]: And becaus it can nocht be now clerelie understandin of the avale and quantite of every burgh quhat artalzery and howmekle thai may furnes tharefore it is ordanit that lettres be writtin to the provostis, baillies, aldermen of every burgh of this realme, signyfying to thame this statute and ordinance of the maner of furnisssing of artalzerie to be maid be the barounis and kirkmen, chargeing thame therfor to convene thare consale, avise and conclude quhat artalzerie and in quhat maner ilk burgh may perfurnes, and refer agane to the Kingis grace within 15 dais nixt efter thai be chargit therto, that his Hienes may be avisit therwith; with certificatioun gif thai failze thairintill his grace sall caus thame to be taxt efter the avale and quantite of thare commoun gude and substance for furnessing of the said artalzerie.

That merchandis bring hame hagbutis, culveringis, calmes, powder and hernes.

21. ITEM, becaus nowther artalyerie nor hernes can be furnest nor maid reddy conforme to the actis maid thairupoun without the samin be brocht

A.D. 1535.

hame be merchandis, tharefore it is statut and ordanit that every merchand saland furth of this realme, or sending his gudis extending to ane last of gudis, sall bring hame, als oft as he salis or sendis his gudis, at every tyme, twa hagbutis or may, as his pak may furnes, with powder and cawmys for furnessing of the samin, or ellis alsmekle mettell as will mak the said hagbutis and siclike harnes for furnessing of our Soverane Lordis liegis in maner forsaid.

Off forstallaris.

26. ITEM, it is statute and ordanit that nane forstallaris be fundin byand vittalis, fische, flesche or uther stuff or the samin be presentit to the mercat, nor yit in to the mercat or the tyme of day statute and ordanit thairto, under the pane of presonyng of thare personis and escheting of all sik gudis coft or erlit be thame, that is to say the twa pairt to the Kingis grace, the third part to the schereff or officiar of the schire, provest, ballies and officiar of burrowis, or to ony uther that findis thame doing in the contrare herof.

For the stanching of maisterfull beggaris ; with additioun.

29. ITEM, for the refrengyng of the multitude of maisterfull and strang beggaris, it is ordanit that the act maid thairupoun of befor be King James the First, apprevit and ratifit be utheris, oure Souervane Lordis predecessoris, be observit and kepit and put to scharp executioun in all punctis ; with this additioun that na beggaris be tholit to beg in ane parochine that ar born in ane uther, and that the hedismen of ilk parochine mak taikynnis and geve to the beggaris thairof, and that thai be sustenit within the boundis of that parochine, and that nane uther be servit with almos within that parochine bot thai that beris that takin alanerlie, under the panis contenit in the said act, and that the justice clerk mak inquisitioun and tak dittay herupoun at every justice air ; and als ordanis lettres to be direct to command and charge the provest and ballies of Edinburgh, and all utheris provestis, ballies of burrowis, shereffis, and utheris officiaris of the Kingis, to putt this act to executioun in all punctis, and that the samin be publist at all places neidfull sua that nane sall pretend ignorance or allege thai knaw nocht the samin in tyme tocum.

## The privelegis of burrowis.

A.D. 1535. 31. ITEM, oure Souerane Lord, with avis and consent of his thre estatis in parliament, ratifis and apprevis the actis maid of befor grauntit to merchāndis within burght.

## Anent merchandis that salis incontrar the actis maid of before.

32. ITEM, it is statute and ordanit be the Kingis grace and thre estatis of parliament that the act and statute maid be umquhile oure Souerane Lord king James the Thrid, and als ratifijt and apprevit be umquhile oure Soverane Lord that last deceissit, of gude mynd, quham God assolze, tuiching merchantis passand with thair merchandice furth of the realme to France, Flandris, or ony uther partis, that na merchand sale without he have half ane last of gudis of his awine, or ellis in goverance as factor to uther merchandis, be putt to executioun in all punctis in tyme tocum, efter the forme and tennour of the samyn, and ratifijs and apprevis the said act and statute now in this present parliament; and attoure ordanis the provest or ballies of burrowis situat at ilk port of the realme to serche and seik the personis brekaris of the said statutis, and that thai distrenye ilk persoun brekar thairof for the soum of xx li. to be applijt on this wys, that is to say, the tane half to our Soverane Lordis use and the tother half to the provest or ballies for thaire laubouris, and that thai mak compt thairof yerelie in the chekker; and gif the provest or ballies of the saidis burrowis be negligent in the exerecyng of thare offices and power gevin to thaim thai salbe oblist to pay the said pane of xx li. for every man that passis and salis incontrar the said act, at that port quhair thai have jurisdiction, to the Kingis grace; and also it is ordanit that na skippar, maisteris nor awneris of schippis, resave ony merchand to sale in thare schippis without thai have the names off thame in tikket subscrivit be the saidis provest and ballies handis, under the pane forsaide, for ilk persoun that thai resave within thair schip; and that our Soverane Lordis custumares, or ony utheris that plesis accuse the saidis provest and ballies, gif thai be negligent in the permisis, yerelie, at the chekker; and lettres to be direct herupoun in dew forme as efferis; and als that lettres be written to the conservatour of the natioun in Flandris, contenand the

A.D. 1535.

effect of this act, chargeing him to send hame the names of all merchandis resortand thare in every schip, incontrar the tennour of the said act, to the thesaurar, under the pane of tinsale of his office.

That na schip sale with staple gudis from Symonis day and Jude quhill Candilmes.

33. ITEM, oure Soverane Lord ordanis the act maid be King James the Second, be the quhilk it is ordanit that na schip be frauchtit out of the realme with ony staple gudis fra the feist of Symonis day and Jude unto the feist of the Purificatioun of our Lady, callit Candilmes, be observit and kepit and putt to executioun in all punetis; with this additioun that the pane of thaim that cummyns in the contrar thairof salbe in tymes cuming xx li., to be raisit of ilk persoun brekaris of the said act, except it salbe lefull to send ony kynd of merchandice furth of the realme in the tyme forsaid in ony schippis that bringis in salt or wyne.

That na man sale in Flandris bot twise in the yeir.

34. ITEM, it is statute and ordanit, for the honeste of the realme, wele and proffett of all our Soverane Lordis liegis, specialie his burrowis and merchandis of his realme, that na schip be frauchtit nor merchandis sale thairin with thare gudis and merchandice furth of the realme in Flandris bot twise in the yeir, that is to say, to the Pasche mercate and Rude mercate, under the pane to ilk persoun cuming in the contrar heirof of xx li. to be rasit and inbrought to the Kingis grace use.

Off chesing of officiaris in burgh and bringing of thare comptis of thare commoun gudis yerelie to the chekker.

35. ITEM, becaus all our Soverane Lordis burrowis are putt to povertie, waistit, and destroyit in thair gudis and polecy and almaist ruynous throw falt of using of merchandice, and that throw being of outlandis men provest, ballies and aldermen within burgh for thare awine particular wele in consumyng of the commoun gudis of burrowis grantit to thame be our Souerane Lord and his predecessouris, Kingis of Scotland, for the uphold of honeste and polecy within burgh, it is herefore statute and ordanit that na man in tyme cuming be chosin provest, ballies or aldermen in to burgh bot thai that ar honest and substantious burgessis, merchandis and induel-

A.D. 1535. laris of the said burgh, under the pane of tynsale of thare fredome quha dois in the contrar, and that na man duelland within burgh purchess lordschip out of burgh in ony his actioun or querrell to molest, truble or gefe fere and dredour to his nychbour and parti, under the pane contenit in the actis and statutis maid thairupoun of befor. And that all provestis, ballies and aldermen of burrowis bring yerelie to the chekker, at the day sett for geving of thare comptis, thare compt bukis of thare commoun gudis to be sene and considerit be the lordis auditouris gif the samin be spendit for the commoun wele of the burgh or not under the panis forsaidis. And that the saidis provest, ballies and aldermen of every burgh warne yerelie xv dais befor thare cuming to the chekker all thai quha likis to cum for examyng of the saidis comptis that thai may argwn and impugne the samin as thai plessis, sua that all murmour may ceis in that behalf.

That na man truble or molest the provest, ballies, alderman, officiaris and utheris indueularis in the burgh.

36. ITEM, it is statute and ordanit that na man, erle, lord, baroun, or uther of quhatevir degre, about and adjacent nychbouris to burrowis, molest, truble nor inquiet the provost, aldermen, ballies, and officiaris of burrowis and merchandis thereof in using of thare franchis, liberteis and privelegis grauntit to thame be oure Soverane Lord and his predecessouris Kingis of Scotland, and in contrar the actis and statutis maid therupoun, under the pane to be callit and accusit as common oppressouris of our Soverane Lordis liegis, at generale justice aris or private diettis and justice courtis, as salbe thocht expedient be the Kingis grace, and that the justice clerk tak inquisicioun and dittay hereof as efferis.

Off craftismen, browstaris, sellaris of salt and vittale within burght.

17th June.

43. ITEM, becaus of the gret oppressioun daile done upon our Soverane lordis liegis be cordonaris, smythis, baxtaris, browstaris and all uther craftismen, sellaris of vittale and salt, compelland thaim to pay for thair stuff and werkmanschip exhorbitant prices, to the gret scaith of all our Soverane Lordis liegis, bringand sik derth in the cuntry that the samyn may nocht be sustenit, and for remeid hereof it is statute and ordanit that our Soverane Lord sall gif ane commission to certane his lordis and utheris, quham his grace plesis best to sitt, and with thame the provest of

A.D. 1535.

Edinburgh, and mak sik statutis and ordinancis as they sall think maist expedient for the commoun wele to cause all craftismen within the toun of Edinburgh and utheris of the realme to make gude and sufficient stuff and sell the samin of ane competent price, and to tak competently for thair werkmanship and labouris gif thai wirk ane uther mannys stuff and mater; and to mak all sellaris of vittale or salt to sell the samyn of ane ganand price without derth, and quha dois in the contrar to punys thame with all rigour, and the saidis commissaris to do justice upoun the brekaris of thir ordinances alse oft as thai here murmur or complant thairof, and to punis thame in thair gudis as thai find the gretnes of the falt as efferis.

Anent privilege of burrowis.

25. ITEM, it is devisit, statute and ordanit that the auld privilegis of burrowis be observit and kept anentis merchandis and merchandise, conform to our Soverane Lordis lawis, statutis and actis of parliament maid of befor, and ratifyis and confermis the samin in this present parliament, with all privilegis grantit to thame be our Soverane Lord and his maist noble progenitoris of gud mynd quhem God assolze.

14th March  
1540.

Off pakking and peling.

26. ITEM, it is statute and ordanit that na persoun use pakking nor peling of woll, hidis nor skynnis, lois nor laid outwith fre burgh and privilege thereof.

Anentis conductioun of craftismen.

30. ITEM, because it is hevely murmurit that all craftismen of this realme, and specialie within burrowis, usis sic extorsionis upoun utheris, oure Soverane Lordis liegis, be resoun of thare craftis and of private actis and constitutionis maid amangst thaim selfis, contrar the commoun weill and in grett hurt, prejudice, dampnage and scaith to all the leigis of this realme, tharefore it is statute and ordanit that in all tymes cuming it salbe lesun to all our Soverane Lordis liegis that hes ony biggingis or reparationis to be maid for making of pollecy in this realme, owthir to burgh or to land, to cheis gude craftis men, fremen or utheris as he thinkis maist expedient, for ordouring, bigging and ending of all sic werkis; and giff

A.D. 1540. ony craftis man beginnis the said werk and dilayis to end the samin that the persoun that causis to big the said werk, or reparatioun forsaide, to cheis and tak utheris in thair placeis, als oft as neid beis, to perfurnis and end furth the said werk for policy of the realme, and that na impediment be maid to sic craftis men usand thair craft as said is be ony uthir of the said craft within this realm, under the pane of tinsale of thair fredome and breking of the actis of parliament, and that the provest and ballies of all burrowis tak inquisitioun herapon and putt this act to executioun in all punctis.

**Anentis drawaris of claith.**

31. ITEM, it is statute and ordanit anentis drawaris of claith and litstaris of fals coloris that in every burgh thare be ane qualifijt man chosin to seill all claith, and sall have for his labour of ilk steik seling xij d.; and gif ony drawaris of claith beis apprehendit that ane half of the saidis gudis to be our Soverane Lordis eschete and the tother half to the burgh; and the said drawaris within burgh for the first falt to tyne thare fredome for yeir and day, and for the secund falt forevir; and siclik of tham outwith burgh dingand calk, cresche or flaland claith, that the samyn be eschete and thai haldin to refound the seaith to the awnaris; and gif the said seilar beis fund culpable seland unsufficient colour or drawin claith he to tyne his fredome and to be punist in his persoun and gudis.

**Anentis forstallaris.**

32. ITEM, it is statute and ordanit geif ony forstallaris be apprehendit forstalland ony maner\* of merchandice, victualis, pultre or gudis quhat-sumevir, within the fredome of burgh, that the officiaris of the said burgh eschete the samin, that ane half to oure Soverane Lordis use and the tother half to the burgh, conforme to the act of parliament maid hereapoun of befor, and that na uther officiar have power therto within the boundis of fre burgh.

**Anentis wechtis.**

33. It is statute and ordanit that na burgh have ane wecht to by with and ane uther to sell different in wecht thairfra, bot that all burrowis haif ane universale wecht of the stane, baith for bying and selling of all stuff in tyme to cum.

# ACTA PARLIAMENTORUM MARIÆ REGINÆ

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## PARLIAMENTS HELD AT EDINBURGH.

Anent the exhorbitant prices rasit be craftisman.

18. ITEM, forsamekill as my lord Governour and thre estatis of parliament, regardand the exhorbitant prices that everie craftisman within burgh rasis upon our Soverane Ladyis liegis in all sic thingis as pertenis to thair craft, swa that the prices ar dowblit and triblit be mony of thame, to the greit hurt of the saidis liegis, quhilk is considderit to be of practick be the dekinnis of everie craft, and the fault thairof is alway in the provest and baillies of everie burgh that overseis the saidis dekinnis [and] craftsmen and correctis thame not, conforme to the act of parliament; thairfoir it is statute and ordanit that all provestis and baillies of fre burrowis, with all diligence, convene the saidis dekinnis and craftsmen afoir thame, and thair, on everie thing pertaining to craftsmen, to statute and ordane resonabill prices effeirand to thair craft, and that the samin be put in writ and producuit afoir the lordis of the articlis in the nixt parliament to be haldin the third day of Aprill nixt tocum, to be considderit be thame gif thay be resonabill and gif swa be to be authorisit, and gif they be unressonabill to be reformat. And siclyke that effeirand to the prices of victuallis that the saidis provest and baillies cause the hostillaris to tak ane resonabill price for ane manis dennar and suppar that they may hald thair awin, and the Quenis liegis be not sa grevit and hurt throw the greit prices takin, far abone all custume and use as hes bene in this realme afoir thir dayis and as beis statute heirupone in burgh, that the samin be deliverit to the schiref of the schire to gar the saidis prices be keipit to landwart; and gif ony of the saidis dekinnis or hostillaris obeyis not the ordinance of the

1st February  
1551.

A.D. 1551. saidis provest and baillies that they deprive thame of thair officis and privilege and efter thay be deprivit gif they mell farther thair with to be callit to underly the law to particular diettis afoir the greit justice as for contempning and breking of the actis of parliament and to be punist in thair persounis and gudis with all rigour.

Aganis regrataris and foirstallaris of mercatis.

24. ITEM, it is statute and ordanit be my Lord Governour, with avise of the thre estatis of parliament, that the actis and statutis maid of befoir aganis regrataris and foirstallaris of mercatis be observit and keipit in all punctis efter the forme and tenour of the samin and under the panis contenit thairintill.

Of the articles and fundamentis to be avisit upone, twiching the brint landis and tenementis . . . brint be the auld inimeis of Ingland.

ITEM, the first article quhair the chaplane be the sycht of the masoun, wricht and maister of wark, and uthers discreet men sworne thairto, will contribute and pay the part of the expensis for the rait of thair annual and the maill of the house as it payis presentlie that they sall have thair haill annuel efter the bigging of the hous.

ITEM, the ground annuall appeiris ay to be payit quha ever big the ground and failyeing thairof that the annuellar may recognosce the ground.

ITEM, in all other annuallis to avise gif the awnaris lattis the ground to be unbiggit quhat salbe the chaplanis part gif he may recognosce the samin or not, or compel the awnar to big the samin, and gif he may do nouther gif he may call for warrandice efter the forme of his fundatioun.

ITEM, gif samekill restis unbrint of the hail tenement that aw the annuell as will pay the samin, gif the annuell may be craifit compleitlie.

ITEM, to avise gif the chaplane hes the annuell under reversioun and contributis with the biggar, conforme to the first article, to considerre how lang thairefter the annuell salbe unredimabill or samekill as is contribute to be eikit in the reversioun.

ITEM, quhair the chaplane was laird of the tenement and the samin haillie brint and the patronre requyrit to big the samin refusis and will

not and may not, siclyke the chaplane may not, quhether it salbe lesum to the chaplane to set the samin tenement in few and requyre the patrone for his consent, and gif he refusis gif he may be compellit thairto, or gif the chaplane may set the samin by his avise and consent or not.

ITEM, quhair the haill tenement, efter it be biggit, be set in few within the avale thairof, for the uphald of the samin, and beis brint, gif the fewar may be compellit to big the samin upon his awin expensis or not and quhat salbe the chaplanis part in that caice, etc.

ITEM, gif the conjunctfear or lyferentar of tenementis quhilkis payis annuell to the kirk and is brint as said is, gif they may be compellit be the chaplane and airis of the said tenement to concur and big the samin for thair interes, and gif thay be disassentand thairto quhat salbe lesum to the air and chaplane to do in that behalf.

Provisioun, ordinance, and conclusioun, etc.

Heir followis the provisioun, ordinance and conclusioun, maid to the articlis abone expremit, and to be in all tymes cumming observit and keipit anentis all annuellis of the brint landis and tenementis be the auld inimeis of Ingland within the burgh of Edinburgh, and uthers burghis and townis within the realme of Scotland, awand alsweill to spirituall men as temporall men, concordit and aggreit upone betuix the Lordis of the articlis of Parliament and the provest and baillies and counsall of the said burgh of Edinburgh, for thame and the remanent burghis and townis of this realme to have the strentch of actis, statutis and ordinancis of Parliament in all tyme tocum, the quhilk conclusioun my Lord Governour and the thre estatis of Parliament, upone the first day of Februar the yeir of God 1551 yeir, ratifeit and appreit:—

ITEM, in the first, anent the first article gevin in be the annuellaris of the burgh of Edinburgh and uthers burghis within this realme, it is concordit, statute and ordanit that gif the annuellar, be the jugement or sycht of the masoun, wrycht and maister of wark, craftsmen in the reparrelling of the tenement quhilk is astrictit to the annuell, and uthers discreet men sworne thairto, will contribute and pay the part of expensis according to the rait of the annuell and the male of the housis quhilkis it gevis now presentlie, that the samin annuellaris, quhatsumever they be,

A.D. 1551. spirituall or temporall, sall have the haill annuell of the nixt terme immediatlie following the bigging and reparing of the tenement or hous, and salbe fre to poynde and distrenzie fra that tyme, alsweill for the bygane as tocum, call and recognosce thairfoir, according to justice; provyding alwayis that gif ony questioun or pley sall happen to ryse anent the expensis of the bigging betuix the annuellar and the heretour the samin salbe deceydit and discussit befoir the lordis of our Soverane Ladyis sate of justice upone ane simpill supplicatioun, but outhier diet or tabill.

ITEM, anent the secund and sevint articlis, quhilkis ar coincident, it is statute and ordinat that quether the annuell be redemabill or unredemabill the annuellar havand the ground annuell upone ony brint land quhilk is or beis reparellit be the awnar thairof, that makis na contributioun to the bigging of the samin, sall want the saxt part of the annuell, the few annuellaris sall in lykewise want the fyft part of thair annuellis, the tope annuellaris sall in lykewyse want the fourt part of thairis, and the awnar of the brint land, quha hes biggit and reparellit the samin, sall not be haldin to pay mair of the saidis annuellis respective than cummis to the residew thairof, the saidis saxt, fyft, and fourt partis respective being defasit; provyding alwayis that it salbe lesum to the annuellaris, notwithstanding the defaisance maid presentlie, gif thay pleis to by in agane and redeme fra the said awnar of the samin land samekill of the said annuell as thay sall happen to want be particular redemptioun, as the saidis annuellaris may cum to, and it war nevir sa lytill, payand proportionablie for ilk merk gevin downe to the proportioun and rate thairfoir the sowme of ten pundis Scottis money, but ony langar proces allanerlie, the awnar being requyrit to ressaif his money salbe sufficient warning, and the annuellar to be answerit fra the nixt terme of samekill as he payis money for as effeiris, reallie and with effect, the awnar being requyrit and refusand, and in that caice the money to be deponit in the provest and baillies handis of the towne, gif thay be baith temporall, bot gif thay be spirituall and temporall or baith spirituall, in the officiallis handis of Loutheane, being for the tyme, and thair to remane to his utiltie and proffeit that sould have the samin, and defaysance of payment in maner forsaid to be made continuallie fra the bigging of the tenementis astrictit to the annuellis.

ITEM, anent the thrid article it is ordanit that gif the awnaris of the

A.D. 1551.

brint landis and tenementis tholis the samin to ly unbiggit twa yeiris efter the dait of thir presentis, it salbe lesun to the annuellaris to pursew thair annuellis respective, conforme to the nature and rate of everie annuell as is abone expremit, or to recognosce the tenement for non payment of the samin, the saidis twa yeiris being furthrunning, and to use thair proces for non payment thairof as accordis of the law and practik of this realme.

ITEM, anent the fourt article it is ordanit that quhat kynde of annuell that ever it be, the samin lyand upone the haill tenement, gif samekill restis unbrint of the haill as will pay the samin annuell, the awnar havand by the annuell twyse als mekill as the annuell extendis to of yeirlie proffet, the haill annuell salbe payit, utherwayis it salbe proportionabill effeirand to the thrid penny of the yeirlie avale of the tenement that standis, and quhair the laif beis biggit to have siclyke interpretatioun conforme to thir present articlis.

ITEM, anent the fift article it is devisit and concludit that in caice the annuellar contribute with the awnar of the brint tenement to the reparatioun thairof, conforme to the first article of the samin, the annuellar sall have the reversioun augmentit to the quantitie extending to the thrid part of the sowme upone the quhilk the annuell is wodset, swa that quhill the principall sowme and half samekill with it be payit the annuell to be unredemabill, that is to say in caice the annuell ly upone twa hundredth merkis it is not to be redemit quhill thre hundredth merkis be payit in caice foirsaid.

ITEM, anent the saxt article it is provydit and concludit that gif ony chaplane be haill laird of the brint tenement unit to his chaplanrie as patrimonie thairof, and the patronie of the chaplanrie being requyrit to big the samin and uther will not or els may not, and in lykewyse the chaplane is not of puissance to do the samin, it salbe lesun for policie and eschewing of deformitie of the towne to set the samin in few to the utiltie and proffet of his chaplanrie to ony that will offer maist thairfoir, without the patronis consent gif he refusis to gif his consent, provyding alwayis that the patronie be first requyrit to tak the samin in few him self, and he to be in that caice preferrit to ony uther gevand als mekill to the chaplane thairfoir, to the evident utiltie of the chaplanrie, as ony uther will without collusioun, and the patronie refusand the chaplane to be fre to do thairwith as is abone writtin.

A.D. 1551.

ITEM, as to the sevint article it is answerit and concludit as is contenit in the response and conclusioun maid to the secund article abone writtin, because thay war coincident togidder.

ITEM, as to the aucht article it is statute and ordanit that gif thair beis ony conjunct fear or lyferentar of ony brint land, consideratioun being tane and had be the provest and baillies of the burgh quhat fre male the samin payit befoir the birning, it salbe lesum to the proprietar of the land to big the samin gif he plesis, payand the said conjunctfear or lyfrentar during thair lyfetyme the thrid part of the fre male the quhilk the said land payit befoir the birning, bot gif the conjunctfear or lyferentar pleis to big the samin thay to be preferrit to the proprietar and to bruke the same during thair lyfe, and thairfoir sall the proprietar and land baith be bundin and oblist to thame for to refound the thrid part of the money quhilkis thay deburse in bigging of the saidis tenementis in necessare and proffitabill expensis, to be furth cummand to be gevin to thame the tyme of thair deceis and thairefter to thair executouris and assignayis, the land being alsweill biggit as of befoir and nychbourlyke.

Anent the making of an universall wecht and ane universall mesoure.

20th June  
1555.

20. ITEM, forsamekill as be umquhile our Soverane Ladyis maist nobill predecessouris, kingis James the First and Feird, it was statute and ordanit that all mesouris, baith pynt, quart, fyrlot, peck, elnwand, stane and pund, to be of ane quantitie to by with, and that na burgh have ane wecht to by with and ane uther to sell different in wecht thairfra, bot that all wechtis, mesuris and mettis for bying and selling to be universall, baith to burgh and to land, in all tymes thairefter, quhilkis actis as yet hes not bene put to dew executioun; thairfoir it is statute and ordanit in this present parliament that thir persounis under writtin, or ony thre of thame, that is to say, Williame bischop of Dumblane, Robert bischop of Orknay, maister Abraham Creichtoun, provest of Dunglas, Schir Williame Hammiltoun of Sanchar, knycht, Schir Richard Maitland of Ledingtoun, knycht, maister Thomas Marioribankis of Ratho and Thomas Meinzeis, provest of Abirdene, convene in the burgh of Edinburgh and cause the elnwand, the quart, pynt, fyrlot, pek, stane, and pund be brocht to thame fra the townis of Striviling, Linlithquo, Lanerk, and be the samin as they find to mak an

universall wecht of the stane and pund, ane universall mesoure of the quart, pynt, fyrlot, peck, elnwand, conforme to the act maid be King James the Feird thairupone, except the watter met to remane according to the use of the cuntrie, to be direct furth to the haill liegis of this realme, with the quhilkis thay salbe haldin to by, sell, met, mesoure, wey, ressaif and deliver, and be na uther met, mesoure nor wecht, and quha dois in the contrare heirof salbe punist for falset conforme to the law; and this ordour to be maid be the persounis foirsaidis, or ony thre of thame, betuix this and the Feist of Allhallowmes nixt tocum, but ony forther dilay, and thairafter publicatioun to be maid in all partis of this realme as accordis.

A.D. 1555.

Ratificatioun of the privilegeis and actis of parliament in favouris  
of burrowis.

24. ITEM, the Quenis grace dowrear and Regent of this realme, with avise of the haill thre estatis of parliament, understanding cleirlie that the estate of burgessis thir mony yeiris bygane, be greit trubill of weiris, hes sustenit infinit skaith, baith in thair landis and gudis, and als that thair privilegeis grantit to thame be our Soverane Ladyis maist nobill progenitoris and actis of parliament maid thairupone hes not bene observit nor keipit to thame as accordis; thairfoir the Quenis grace Regent, with avise of the thre estatis foirsaidis, hes ratifeit and apprevit and ratifeis and apprevis all privilegeis and actis of parliament grantit and maid in favouris of burrowis, burgessis and merchandis, and hes statut and ordanit that letters be direct be the lordis of counsall at the instancis of all burrowis upone thair privilegeis and actis of parliament maid thairupone in all tymes tocum for putting of the samin to dew executioun with all rigour aganis thame that dois or cummis in the contrare of thair saidis privilegeis and actis foirsaidis without calling of ony partie.

Anent the discharging of dekinnis of craftis and for chesing of visitouris.

26. ITEM, because it hes bene cleirlie understand to the Quenis grace Regent and the thre estatis that the chesing of dekinnis and men of craft within burgh hes bene rycht dangerous, and as they have usit thame selfis in tymes bygane hes causit greit troubill in burrowis, commotioun and rysing of the Quenis liegis in divers partis, and be making of liggis

A.D. 1555. and bandis amangis thame selfis, and betuix burgh and burgh, quhilk deservis greit punischemet, thairfoir the Quenis grace Regent, with avise of the thre estatis foirsaidis, hes statute and ordanit that thair be na dekinnis chosin in tymes cumming within burgh, bot the provest, baillies and counsall of the burgh to cheis the maist honest man of craft of gude conscience, ane of everie craft, to visie thair craft that they laubour sufficientlie and that the samin be sufficient stufte and wark, and thir persounis to be callit visitouris of thair craft, and to be electit and chosin yeirlie at Michaelmes, be the provest, baillies and counsall of burgh, and that thay thairefter gif thair aith in jugement to visie leililie and trewlie thair said craft, without ony powar to mak gaddring or assembling of thame to ony private conventioun, or making of ony actis or statutis, bot all craftsmen in tymes cumming to be under the provest, baillies and counsall, and thir visitouris chosin, sworne and admittit, to have voting in chesing of officiaris and uthers thingis as the dekinnis votit in of befoir, and that na craftsmen bruke office within burgh in tymes cumming except twa of thame, maist honest and famous, to be chosin yeirlie upone the counsall, and they twa to be ane part of the auditouris yeirlie to the compt of the commoun gudis, according to the actis of parliament maid thairupone of befoir, and quha sa ever cummis in the contrare of this act to be punist be warding of thair persounis be the space of ane yeir and tinsall of thair fredome within burgh, and never to be ressaift thairefter as fre men unto the tyme thay obtene the favour and benevolence of the provest, baillies and counsall, quhair the fault is committit, and the thrid part of thair gudis to be escheit and applyit to our Soverane Ladyis use for thair contemptioun.<sup>1</sup>

<sup>1</sup> This Act of Parliament did not meet with acceptance, and its provisions were dispensed with by letters under the Great Seal granted both by Queen Mary and King James. The first of these documents, dated 16th April 1556, recites the privileges granted by previous sovereigns to craftsmen, and states with reference to the above Act of Parliament: "that nothing has been done in pursuance of those causes and considerations which had moved our foresaid parliament to pass that measure; nay that everything is done more carelessly among those craftsmen at this day than formerly; and we therefore, willing not to abridge the privileges

granted by our ancestors without great, urgent and enduring cause, but that everything justly and properly granted in ancient time be restored to its pristine and original state, and also desiring to prevent dissensions and contentions among our merchants and tradesmen dwelling in our burghs, and for certain other just and reasonable causes moving our mind to that course, from our own knowledge and of our own accord, have granted dispensations, and by the tenor of these presents do grant dispensations to all and sundry craftsmen of our burghs and cities within our said kingdom, in regard to the said act of our last parliament, and all points

Anent commoun hie gaittis for passage fra burrowis or cumming thairto.

27. ITEM, it is statute and ordanit be the Quenis grace dowrear and Regent, with the avise of the thre estatis of parliament, that all commoun hie gaittis that fre burrowis hes bene in use of precedent, uther for passage fra thair burgh or cumming thairto, and in speciall all commoun hie gaittis fra fre dry burrowis to the portis and havinnis nixt adjacent or procedant to thame, be observit and keipit, and that nane mak thame impediment or stop thairintill, and gif ony dois to be callit and accusit for oppressioun and punischit thairfoir according to the lawis.

A.D. 1555.

Anent the discharge of exactiounis upon the burrowis of the west parts for making of hering.

28. ITEM, the haill burrowis of the west cuntrie, sic as Irwin, Air, Dumbertane, Glasgow, and uther burrowis at the west partis, hes yeirlie in all tymes bygane resortit to the fisching of Loch Fyne, and uthers lochis in the north Ilis, for making of hering and uthers fischeis, and efter the completing of thair besynes at thair plesour partit frelie, but payment of ony maner of exactioun, except the payment of the fischearis allanerlie, nochtelis certane cuntrie men adjacent and dwelland besyde Lochfyne hes rasit ane greit custume of everie last of maid hering that ar tane in the said loch of als greit valour as the Quenis grace custume, suppois the saidis burrowis bring the said hering for furnessing of thair awin housis and the cuntrie, quhilk custume was never payit of befoir, quhairthrow the saidis fre burrowis ar hevylie hurt, and for remedie heirof it is devisit, statute and ordanit that all sic custumis and exactiounis be dischargeit and not rasit nor upliftit fra the persounis foirsaidis, of ony hering or fischeis takin

and clauses in the same contained which oppose and obstruct the liberties and privileges formerly granted to them by our most noble ancestors, and held by virtue of long and continued possession of the same had by themselves; and we restore to them the power of using and having deacons of crafts, who shall have suffrages and votes in electing the officers of the burghs; and there shall be elected craftsmen of every craft within the burgh, who shall enjoy and exercise the same, provided they be found suitable and fit for it." Other powers and privileges are

confirmed, notwithstanding the Act of Parliament "with which as to them we by these presents dispense." [Registrum Magni Sigilli, Vol. IV., No. 1054]. A letter in similar terms, dated 1st March 1564-5, was granted by Queen Mary "after our lawful and perfect age of twenty-one years" [*Ibid*, No. 1583]; and King James VI. likewise issued a document of the same purport on 22nd July 1581 [*Ibid*, Vol. V., No. 233]. All the letters, with translations, are printed in full in Convention Records, II., pp. 469-479.

A.D. 1555. be thame in the lochis foirsaidis, for furnessing of thair housis, bringing of the samin within this realme allanerlie, under the panis to be callit as oppressouris and punist thairfoir conforme to the lawis of this realme.

Anent the executioun of the act anentis the cumming of schippis to fre burrowis at the west seyis, with additioun.

37. ITEM, it is statute and ordanit that the act maid be King James the Feird anentis the cumming of schippis to fre burrowis at the west seyis be publist of new, and the samin to be put to executioun in all punctis, efter the forme and tenour thairof, and the brekaris of the samin to be punist conforme to the panis contenit thairin ; with this additioun that na persoun tak upone hand to by ony merchandice fra the saidis strangearis bot fra fremen at fre portis of the burrowis foirsaidis, under the pane of confisca-  
tioun of all the gudis that they by, togidder with the rest of thair movabill gudis, to be applyit to our Soverane Ladyis use gif thay do in the contrare.

Anent the chesing of sic ane personage as Robert Hude, Lytill Johne,  
Abbottis of Unressoun or Quenis of Maij.

40. ITEM, it is statute and ordanit that in all tymes cumming na maner of persoun be chosin Robert Hude nor Lytill Johne, Abbot of Unressoun, Quenis of Maij, nor utherwyse, nouther in burgh nor to landwart, in ony tyme to cum; and gif ony provest, baillies, counsall and communite chesis sic ane personage as Robert Hude, Lytill Johne, Abbottis of Unressoun or Quenis of Maij, within burgh, the chesaris of sic sall tyne thair fredome for the space of fyve yeiris and utherwyse salbe punist at the Quenis grace will, and the acceptar of sielyke office salbe banist furth of the realme ; and gif ony sic persounis sic as Robert Hude, Lytill Johne, Abbottis of Unressoun, Quenis of Maij, beis chosin outwith burgh and uthers landwart townis, the chesaris sall pay to our Soverane Lady x pundis, and thair persounis put in waird, thair to remane during the Quenis grace plesoure ; and gif ony wemen or uthers, about simmer treis singand, makis perturba-  
tioun to the Quenis liegis in the passage throw burrowis and uthers landwart townis, the wemen perturbatouris for skaefrie of money or uther-  
wyse salbe takin, handellit and put upone the cukstulis of everie burgh or towne.

## Anent mesouris and wechts.

14. ITEM, forsamekill as in our Soverane Ladyis maist nobill predeces- 4th June 1563.  
 souris, King James the Fyft and Feird tymes, respective, it was statute and ordanit that all mesouris, pynt, quart, fyrlot, peck, elnwand, stane and pund, to be of ane quantitie and mesoure, and that na burgh have ane wecht to by with and ane uther to sell with, different in wecht thairfra, bot all wechtis, mesouris and mettis for bying and selling to be universall, baith to burgh and to land, in all tymes thairefter; quhilkis actis as yit hes not bene put to dew executioun; thairfoir it was statute and ordanit in the parliament haldin at Edinburgh the twentie sax day of Junij, the yeir of God ane thousand fyve hundreth fyftie fyve yeiris, that thir persounis under written, or ony thre of thame, that is to say, Reverend Fathers in God Williame bischop of Dumblane, umquhile Robert bischop of Orknay, maister Abraham Creichtoun, provest of Dunglas, umquhile Schir Williame Hammiltoun of Sanchquhare, knycht, maister Thomas Marjoribankis of Ratho, Schir Richard Maitland of Lethingtoun, knycht, and Thomas Meinzeis, provost of Abirdene, sould have convenit in the burgh of Edinburgh, and thair to have causit the elnwand, the quart, pynt, fyrlot, stane and pund, be brocht to thame fra the townis of Striving, Linlithquho, Lanark, and be the samin as they stand to have maid ane universall wecht of the stane and pund, ane universall mesoure of the quart, pynt, fyrlot and elnwand, conforme to the act maid by the said King James the Feird thairupone, except the watter met to remane according to the use of the cuntrie, to have bene directit furth to the haill liegis of this realme, with the quhilkis they sould have bene haldin to by, sell, met, mesoure, wey, ressaif and deliver, and be na uther met, mesoure and wecht, and quha did in the contrare heirof sould have been punist for falset, conforme to the law, and this ordour to have bene maid be the persounis foirsaid, or ony thre of thame, betuix the dait of the said act and Alhallowmes nixt thairefter, but ony forther dilay; lyke as the samin act propertis. And because it is understand be the Quenis grace and thre estatis, in this present parliament, that the said act tuke nane effect, nor the foirsaidis persounis contenit thairin permitit not the contentis of the said act, swa that the samin mycht have takin full effect, and thairfoir hir hienes, with the avise of the estatis foirsaidis, statutis and ordanis, yit as of

A.D. 1563. befoir, that all mesouris, pynt, quart, fyrlot, peck, elnwand, stane and pund, be of ane quantitie and mesoure, and that na burgh have ane wecht to by with and ane uther to sell with, different in wecht thairfra, bot all wechtis, mesouris and mettis, for bying and selling, be universall baith to burgh and land in all tymes heirefter equallie, that ane with the uther; and to the effect that this present act and actis foirsaidis maid heirupone of befoir may be put to forther executioun, that thir persounis under written, that is to say, ane reverend father in God Williame bischop of Dumblane, maister Abraham Creichtoun, provest of Dunglas, Schir Richard Maitland of Lethingtoun, knyght, maister James Makgill of Rankelour Nether, clerk of registre, Schir Johne Bellenden of Auchinnoull, knyght, Thomas Meinzeis of Petfoddellis, provest of Abirdene, convene in the burgh of Edinburgh and cause the elnwand, the quart, pynt, fyrlot, stane and pund to be brocht to thame fra the townis foirsaidis, and be the samin as thay find to mak ane universall wecht of the stane of the wecht xvij. pund trois wecht allanerlie, the pund and uther smaller wechtis equivalent thairto; and siclyke ane universall mesoure and met of the quart, pynt, fyrlot and elnwand, conforme to the wechtis and mesouris usit in the saidis townis respective, according to the standis thairof, except the watter met to remane as of befoir; and as the foirsaidis persounis or ony thre of thame directis furth the foirsaidis mettis, mesouris and wechtis, that the haill liegis of this realme salbe haldin to by, sell, met, mesoure, wey, ressaif and deliver, and be na uther wecht, mesoure nor met, and as thay find that thay mak ane met, mesoure and wecht of the foirsaidis stane, fyrlot, quart, pynt and pund, and uthers smaller mesouris effeirand thairto, of brasse, to remane in the Register that everie heid burgh of this realme have the just mesoure and quantitie of the samin in semblabill mettell, to be usit universallie in this realme, quha salbe haldin to gif and deliver the just mesoure and quantitie thairof in maner abone writtin to everie schire nixt adjacent to thame, to be usit in maner befoir rehersit universallie and na utherwayis. And this ordour to be maid be the persounis foirsaidis, or ony thre of thame, betuix this and the first day of October nixt to cum, and efter the said day to mak publicatioun and intimatioun to all and sindrie our Soverane Ladyis liegis, of quhatsumever estate, degré or conditioun thay be of, that cummis in the contrare heirof thay salbe punist as committaris of thift to the deid.

Anent the warning of burrowis to conventiounis to conclude upone peax or  
weir, or for granting of generall taxatiounis.

20. ITEM, the Quenis grace being of will and mynde that all provestis, aldermen, baillies, counsall and communite and inhabitantis of burrowis of this realme, be rather augmentit in thair privilegeis maid be hir grace and hir predecessouris to thame nor diminisit thairintill, hes statute and ordanit, be the avise of the thre estatis of this present parliament, that fyve or sax of the principallis provestis, aldermen and baillies of this realme, sall in all tymes tocum be warnit to all conventiounis that sall happin the Quenis grace and hir successouris to conclude upone peax or weir, with quhatsunever hir hienes confederatis or inimeis, or making or granting of generall taxatiounis of this realme, and that hir hienes or counsall sall not conclude nor decerne upone peax, weir nor taxatiounis foirsaidis without fyve or sax of the saidis principallis provestis, aldermen and baillies of burrowis be warnit thairto lauchfullie as effeiris.

For stancheing and suppressing of tumultis within burrowis.

21. ITEM, it is statute and ordanit be our said Soverane Lady, with avise of the thre estatis foirsaidis, for stancheing and suppressing of tumultis, uproris and troublis, that hes happinnit within burrowis in all tymes bypast, that name of our Soverane Ladyis liegis presume, pretend or tak upone hand to mak ony privie conventiounis nor assembleis within burgh, put on armoure, cleith thame selfis with wappinnis, or mak sound of trumpet or talberone, or use culveringis, displayit banners, anseinzeis, or uthers instrumentis bellicall quhatsunever, in ony tyme heirefter, without the speciall licence of our said Soverane Lady and hir hienes magistratis within the burgh quhair the said tumult and uprore chansi to be had and obtenit thairto, under the pane of deid; provyding that the rasing and convening of the inhabitantis of the saidis burrowis be the magistratis for executioun or repressing of malefactouris be justice be not comprehendit under this act.

That beif, muttoun, veill and lyke bestiall be brocht to mercatis  
with hyde, skin and birne.

23. ITEM, it is statute and ordanit be our said Soverane Lady, with avise of the thre estatis foirsaidis, that all beif, muttoun, veill and lyke bestiall,

A.D. 1563.

A.D. 1563. slane to landwart and burgh, or presentit to fre burrowis or fre mercatis, bring with thame in all tymes cumming thair hyde, skin and birne, under the pane of confiscatioun and escheting of sielyke bestiall and gudis as wantis the said hyde, skin and birne, to be applyit to our Soverane Ladyis use.

Ratificatioun of actis, statutis, privilegeis and immuniteis grantit in  
favouris of the burrowis.

24. ITEM, our said Soverane Lady, with avise of hir saidis thre estatis in this present parliament, ratifeis, apprevis and confermis all actis of parliament, statutis, privilegeis and immuniteis quhatsumever, gevin and grantit, be our said Soverane Lady, or uthers hir predecessouris quhatsumever, in favouris of the burrowis, provestis, aldermen, baillies, communiteis and indwellaris within the samin, with all letters and executoriallis that hes past or may pas thairupone, gevand expresse command be thir presentis to the lordis of our Soverane Ladyis college of justice and sessioun, to gif and direct sic ressonabill letters as thay or ony of thame will desyre or hes had of befoir, commanding and chargeing all our Soverane Ladyis liegis and subjectis that nane of thame tak upon hand to attempt or pretend to attempt violate or brek the foirsaidis lawis, actis of parliament, statutis, ordinaneis, immuniteis or uthers privilegeis quhatsumever, gevin and grantit in favouris of the saidis burrowis, under the panis contenit in the samin, and under all pane and offence that thay and everie ane of thame may incur aganis our Soverane Ladyis autoritie royall thairthrow.

# ACTA PARLIAMENTORUM JACOBI SEXTI.

## PARLIAMENTS HELD AT EDINBURGH.

### Of convocatioun within burrowis.

15. It is thocht gude, for stancheing of cummer and trouble within burrowis in tyme cuming, that nane of the inhabitantis thairof frathyne furthe mak convocatioun within the same, or put thame selfis in armes without expres command oyther of the autoritie, provest or baillies thairof, under sic panis as the thre estaitis in parliament sall think gude.<sup>1</sup> 20th December 1567.

36. ITEM, for the weill of the realme it is fund neidfull that na mercat be haldin bot upoun the mercat evin and the mercat day onlie (the heid burgh of the schire alanerlie exceptit) and that it salbe lesum to the shereffis of schiris and thair deputis to intromet with the gudis that presentis the mercattis within thair jurisdiction outwith the heid burgh as escheit, the ane half to his aune use for his laubouris and diligence and the uther half to our Soverane Lordis use, except upoun the mercat evin and day as said is.

### Of annuallis within burgh.

40. ITEM, that all maner of annuallis within burgh be redimable upoun tuentie penneis for ane, except annuallis mortifiit to the kirk.

### Anent hostillaris in burrowis.

45. ITEM, that the auld actis anent hostillaris . . . rowis through . . .<sup>2</sup> and utheris be augmentit and put to executioun; and to con-

<sup>1</sup> No. 15 and on till p. 92, No. 89, inclusive, are printed among "Articlis." On the margin of each is printed the word "Apprevit" or "Apprevis"; and on the margin of No. 15 is added: "and referris the pane to be modifit be the estaitis in parliament."

<sup>2</sup> These blanks are so left in the printed record. On the margin of No. 45: "Apprevis, and referris the modification to the lordis of articlis."

A.D. 1567. sidder that the alteratioun of the price of vittallis nevir makis the ordiner bettir chaip.

Anent officiaris within burrowis.

49. ITEM, the auld actis anent officiaris within burrowis to be ratifit and ordanit to be observit.

#### ARTICLIS CONCERNYNG THE COMMONE WEALL OF BURROWIS.

Of the actis in favouris of burrowis.

56. ITEM, that all actis, privileges and statutis maid of befoir in favouris of burrowis, liberteis thairof, and fre merchandis, be ratifit, apprevit and confirmit of new, with this additioun that na unfre men, duelland outwith burgh or within, hant, frequent or use merchandice nor liberteis of merchandis, nor saill in France, Flanderis, or uther partis to that effect, under the pane of confiscatioun of sik gudis as salbe apprehendit and knawin to appertene to thame, and that it salbe lesum to the provest and baillies of burrowis nixt adjacent to the portis quhair sik gudis salbe losit or ladynnit, to intromett and uptak the samyn and to mak compt yeirlie thairof in the chekker, the ane half to be convertit in oure Soverane Lordis use and the uther half to the use and commone weale of the toun apprehendar.<sup>1</sup>

Of the fre portis.

57. ITEM, it is to be adverteist of the greit skayth and dampnage of the Kingis Majestie, in defraude of the greit customes, be resorting of strangelaris to this realme at unfre portis, with salt, wyne, tymmer and uther merchandices, and thair makand thair traffique with unfre men and ladynnyng thair schippis and departand thairwith without payment of ony customes, to the greit hurt of our Soverane Lord and of the libertie of burrowis, and thairfoir necessar it is ane act be maid in this present parliament that it salbe lesum to na strangelar arryvand within this realme,

<sup>1</sup> The following is printed on the margin of put to executioun, and siclik all civile privilegis No. 56: “*Nota*, 26 Decembris 1567.—Ratifyis grant to the prelatis and ony uther artielis and apprevis all privilegis gevin to barronis and burgessis be thair infectmentis, and the actis to be

or uther schip of this realme (except with coill, lyme and stane) to lois or laid bot at fre portis alanerly, under the pane of confiscatioun of all thair gudis, coft or sauld, to our Soverane Lordis use or uther wyis as shalbe thocht gude.

Of fre merchandis.

58. ITEM, that it be statute and ordanit that na man be licencit to hant, frequent or use merchandice bot sik as hes bene or salbe bundin servand and prenteis to fre merchand, be the space of fyve or sevin yeris of befoir (Burges barnis exceptit).

For stancheing of the multitude of salaris.

59. ITEM, for stancheing of the multitude of salaris, quhilk is the occasioun of greit derth, it be statute and ordanit that it sall not be lesum to ony maister, skippar or marineris of schippis to ressave within thair said schip, at ony ane vyage, abone foure merchandis quhilkis salbe direct to him be the provest and baillies of the burrowis nixt adjacent to the portis quhair the saidis schippis sall lois or laid, for the quhilkis foure merchandis the saidis provest and baillies salbe haldin to ansuer, bayth for thair honestie and substance, and gif ony skippar or mariner dois in the contrair sik panis to be impute upoun his body, schip and gudis as shall be thoght expedient.

Anent merchandis.

61. ITEM, that the auld actis maid anent merchandis, that it sall not be lesum to thame to saill to Flanderis in merchandis in the yeir bot tuyis, viz., Mychaelmes and Pasche, be ratifiit and apprevit of new in this present parliament.

Of fiscbearis.

62. ITEM, that it be statute and ordanit that na fiscbearis, takaris or slayaris of fische, hant or saill in merchandice with fischeis thame selfis, bot that thai sell the samyn to fre<sup>1</sup> merchandis within the realme, and utheris oure Soverane Lordis liegis, for sustenning of thair houshaldis and famileis, under sik panis as salbe thocht expedient, except burgessis alanerlie duelling within fre burrowis privilegiat.<sup>1</sup>

<sup>1</sup> On the margin of No. 62: "Referris the pane to the lordis of artielis."

## Of customaris.

A.D. 1567. 63. ITEM, becaus of the greit oppressioun committat upoun our Soverane Lordis liegis be customaris, it is thocht neidfull that ane table be hung up contenañd the dewiteis and customes that salbe payit for all kynd of merchandice, sua that the people pretend na ignorance, neyther the saidis customaris be sufferit to extors the people as thai have done in tymes past, and that na kepar of coquet seill absent him self or withhold the coquet the schip being reddy and he requirit be the clerk or skippar, under panes to be modifiit.<sup>1</sup>

## Of the consent of the burrowis to generale taxtis or extentis.

64. ITEM, that in all tymes cumming quhane thair salhappin ane generale conventioun to be, for the wechtie effaris of the realme, that the provestis of burrowis or thair commissaris be requirit thairto, and thair consentis had to the samyn, and in speciale for generale taxtis or extentis, and that it be statute and ordanit that it salbe lesum to the provestis and baillies of burrowis in all tymes to cum, quhane ony taxtis or extentis salbe rasit, to taxt and extent all and sindrie inhabitantis of the saidis burrowis without exceptioun of persone, and thai being extentit accordinglie to be poindit or wardit thairfoir in eais of dissobeysance or non payment, at the will and plesour of the saidis provestis and baillies, notwithstanding ony exemptioun or licence grantit or to be grantit, and gif ony beis samekle salbe defalkit of the extent of the toun as the persone exemit is taxtit to.

## For the honestie and policie within burrowis.

65. ITEM, that it be statute and ordanit, for the honestie and policie within burrowis, that the proprietaris and heretoris of decayit and brint landis edifie and big the samyn, within the space of ane yeris, or utherwyis dispone and sell the samyn to utheris that will big thame, and failzeing thairof, the saidis yeris being bipast, it sall be lesum to the saidis provest and baillies to caus appryis the samyn and deliver the money thairof to the awnar or consigne the samyn to be furthe command to his proffitt.<sup>2</sup>

<sup>1</sup> On the margin of No. 63: "Referris the pane to the lordis of artielis."

<sup>2</sup> On margin of No. 65: "Referris the modifiac-  
tioun of the yeris to the estaitis in parliament."

## Of the prices of salt, wyne and tymmer.

66. ITEM, that to the act maid upoun the prices of salt, wyne and tymmer, be eikit ane pane upoun the merchandis inbringaris thairof, in cais thai transgres or gang abone the prices set thairupoun be the provest and baillies of burrowis, conforme to the tennour of the said act.<sup>1</sup> A.D. 1567.

## Of donationis and dispositionis for uphold of ministeris, etc.

67. ITEM, that all donationis and dispositionis of landis, males, annuellis, annuelrentis, patronages, chapellaureis and benefices, disponit als weill be my lord Regent and be the Quenis grace to burrowis, for uphold of ministeris, ministre, sustentatioun of the pure and bigging of hospitallis, be ratifit and apprevit in this present parliament for evir. Na teindis comprehendit thairin.<sup>2</sup>

## Anent the geving of saisingis in burrowis.

68. ITEM, forsamekle as greit hurt is done in burrowis throw geving of privat saisingis, it be statute and ordanit that in tyme cumming na saising be gevin within burgh bot be ane of the baillies and commone clerk of the samyn, and gif ony saisingis beis gevin sua heirefter the samyn to be null and of nane avale.<sup>3</sup>

## Of the rynnyng of wyne in burrowis.

69. ITEM, for stancheing in all tyme cumming of the abuse in rynnyng of wyne in burrowis in bak housis, choppis, cellaris and prive cornaris, be all sortis of people, sik as huris, harlottis, and uther pure and unhonest folkis, under pretence of a libertie and fredome of ane burgh, quhilk generis greit selander and contemptioun, not onlie of Goddis law and his word, bot alsua in contempt of the lawis of this realme, that thairfoir it be statute and ordanit that na sik unworthy personis salbe sufferit to top ony wynis in tyme cumming in sik rowmes and unmeit places, bot the

<sup>1</sup> On the margin of No. 66: "Referris the pane to the parliament."

<sup>3</sup> On the margin of No. 68: "26th Decembris 1567.—Fyndis resonnable and ratifyis."

<sup>2</sup> On the margin of No. 67: "26th Decembris 1567.—Referris this article to the uther lordis."

A.D. 1567. samyn to be sauld and toppit be honest personis in the foirgait in oppin and publict tavernis, as use and wount wes, under sik panis as salbe thocht expedient.

Of the powderar craft.

70. ITEM, becaus thair is divers personis, craftsmen of the powderar craft within this realme, quhilkis makis and sellis corrupt mettale and evill stuf in place of gude and sufficient mettale, and to the effect that thair dissait sall not be knawin careis the samyn seereitlie in houssis and bartaris and blokis thairupoun, to the greit hurt of oure Soverane Lordis liegis ignorant thairof, for remeid quhairof it is neidfull ane act of parliament be maid that na powderaris within this realme tak upoun hand to mak ony werk of tyn within the samyn in tyme cumming bot that quhilk salbe sufficient, that is to say the fyne tyn pewdar to be merkit with the croun and the halmer, and the secund to be inerkit with thair aune name ; and that it sall keip this sey with the induelleris of burrowis of that craft, howsome it beis twechit with ane het yrne it salbe cleir, and gif it beis cleir to be haldin sufficient, and gif it beis quhyte the samyn to be escheit with the remanent thair haill werkis, and the maker and sewar thairof to pay ane pecuniale pane ; and for the mair sure tryale of the samyn that name be fund careand veschell privatlie in polkis, wallattis or utherwyis, in burgh or to land, in defraude of the said ordinance, bot use the samyn planlie in merkettis and fairis ; and to this effect that certane personis of jugement and understanding of the said craft be constitute and ordanit to be sercheouris of the samyn within burrowis, and that all provestis, baillies of burrowis and utheris juges, assist thairto as thai salbe requirit.

Of the prothogoll bukis of notaris.

87. ITEM, that the prothogoll buke of notaris within the schire be brocht to the scheref of the schire and within burgh to the provest and baillies thairof, to remane in thair keping, and that the airis and executouris of the defunct notar dispone not his geir unto sik tyme the said buke be brocht as said is.

Of the exemptioun of the provest, baillies, counsale and communite of all burrowis fra all comperance in justice or scheref courtis.

89. ITEM, that the provest, baillies, counsale and communite of all burrowis within this realme frathynfurth be exemit fra all comperance or passing upoun assyissis or inqueistis, in justice or scheref courtis, of personis dilatit for crymes, or for proving of brevis, apprysing of landis, slauchteris or uther charges outwith the fredome of burrowis, or within tua myles about the samyn, except the deid be evidentlie knawin to thame, conforme to the exemptioun grantit be King James the Fyft to the burgh of Dunde of befoir, notwithstanding ony generale lettres to be direct thairupoun; and that na officiar of armes summound ony inhabitantis of the saidis burrowis for passing upon inqueistis or assyissis in tyme cumming, bot in the caussis and boundis foirsaidis and that to sufficient nowmer, under the pane of deprivatioun of the saidis officiaris frome thair offices and refounding of the coistis and expensis of samony as salhappin to be summound attoure sufficient nowmer, dischargeing thame thairof and of thair offices in that part.<sup>1</sup>

Anent the privilege grantit to burrowis.

33. ITEM, our Soverane Lord, with avise of my Lord Regent and thre estatis of this present parliament, hes ratifyit and apprevit, and be thir presentis ratifyis and apprevis all actis and constitutiounis of parliament maid be quhatsumever our Soverane Lordis predecessouris of befoir, in favouris of the burrowis and burgessis of this realme and inhabitantis of the samin, with all privilegeis, fredomis, immuniteis and liberteis, grantit and gevin to thame and everie ane of thame in onytymes bypast, and decernis and declairis the samin to have full strentch, force and effect in all tymes heirefter, swa that the samin may be put to full and dew executioun in all pointis, and to stand as ane perpetuall law to thame and thair successouris.

Anent giving of sesingis within burgh.

34. ITEM, forsamekle as the greit hurt done of befoir within burgh be geving of sesingis privatlie without ane baillie and ane commoun clerk of burgh, quhairthow our Soverane Lordis liegis may be defraudit greitlie,

<sup>1</sup> End of "Articlis" referred to in footnote, p. 86.

A.D. 1567.

A.D. 1567. thairfair it is statute and ordanit be our Soverane Lord, with avise and consent of my Lord Regent and thre estatis of this present parliament, that na sesing be gevin within burgh of ony maner of land or tenement within the samin, in ony tyme cuning, bot be ane of the baillies of the burgh and the commoun clerk thairof, and gif ony sesing beis utherways gevin heirefter to be null and of nane availl, force nor effect.

Anent the dekinnis of maltmen.

37. ITEM, it is statute and ordanit be our Soverane Lord, my Lord Regent and thre estatis of this present parliament, for the commoun weill of this realme, that thair be na dekin of craft of maltmen, uther to burgh or land, or ony uther pairt within this realme; and gif ony wryting, gift or privilege be gevin ony tyme befoir, our Soverane Lord, with avise of my Lord Regent and thre estatis foirsaidis, decernis and declaris the samin to have bene fra the beginning and to be in all tyme cuming null and of nane avail, force nor effect, swa that it salbe never lesum to ony of the maltmen of this realme to have dekinnis bot to be reput na craft

PARLIAMENT HELD AT STIRLING.

Anent the fredome and privilegis of burrowis.

28th August  
1571. 7. ITEM, our Soverane Lord, be avise and consent of his said Regent and thre estaitis foirsaidis, ratefis, apprevis and confirmis all and sindrie auld actis and statutis maid of befoir anent the fredome and privilegis of burrowis.

Anent alienationis, resignationis, and utheris dispositionis, maid and gevin be ony personis, burgessis and inhabitantis of Edinburgh, or ony utheris burrowis within this realme, that hes maid defectioun fra the Kingis auctoritie.

8. ITEM, our said Soverane Lord, with avise and consent of his Regent, thre estaitis and haill body of this present parliament, hes statute, ordanit, decernit and declarit that all and sindrie alienationis, resignationis, and utheris dispositionis quhatsumevir, maid and gevin in ony wise be ony personis, burgessis or inhabitantis within the burgh of Edinburgh, or ony

utheris burrowis of this realme, quhilkis hes maid defectioun fra our Soverane Lordis auctoritie and assistit and takin part with the conspiratoris and declarit tratouris, to ony persoun or personis, sen the committing of the saidis crymes, be thame or ony of thame of quhatsumevir thair landis, heretageis, offices, takkis, stedingis, rownes or possessionis quhatsumevir, ar and salbe in all tymes cuming null in thame selffis and of nane avail, strenth, force nor effect. A.D. 1571.

#### PARLIAMENT HELD AT HALYRUDHOUS.

Anent the making of irnis and stokkis for punisement of offendouris, and bigging and reparatioun of commoun presonis.

Forsamekill as the iniquitie of this present aige incressis the nowmer of contemptus offendouris aganis the lawis and actis of parliament, and albeit be divers lovabill actis personis offending in sindry sortis of crymes ar appointit to be keptit in presoun, or in the stokkis or irnis, be the ordinare jugeis of the realme, yit because thair is not commoun presonis, irnis or stokkis, in sindry of the heid burrowis of the sehyris, regaliteis and utheris places of jurisdictioun, for ressaving and punisement of the saidis offendouris, nor javelouris appointit for keping of the saidis presonis, stokkis and irnis, and ressaving and putting to libertie of the presonaris and offendouris, at command and direction of the ordinar jugeis, according to the effect and meaning of the saidis actis of parliament, quhairthrow the same ar liklie in divers places to be frustrat of all executioun; for remeid quhairof the Regentis grace, with avise of the estaitis presentlie assemblit, ordanis and commandis all shereffis, stewartis, baillies, lordis of regaliteis and thair baillies, provestis, aldirmen and baillies of burrowis, to repair, mend and mak sufficient presonis within the heid burrowis, or maist publict and convenient places within the boundis of thair jurisdictionis, with irnis and stokkis, and to appoint abill and qualifit personis javelouris for keping and attending thairupoun, betuix and the first day of Julij nixtocum, under the pane of rebellioun and putting of thame to the horne; with certificatioun to thame and thay failze, the said day being bipast, lettres salbe direct simpliciter in ane forme to put thame to the horne in cais thay failze in fultilling of the premissis ten days eftir the charge being bipast.

5th March  
1574.

Anent the punisement of strang and ydle beggaris and provisioun for sustentatioun of the puyr and impotent.

A.D. 1574. Forsamekill as thair is sindry lovabill actis of parliament maid be our Soverane Lordis maist nobill progenitouris for the stanching of maisterfull ydill beggaris, awayputting of sornaris and provisioun for the puyr, bearing that name salbe tholit to beg, nowther to burgh nor to land, betuix xiiij and lxx yeiris, that sic as makis thame selffis fwlis and ar bairdis or utheris siclyke rynnaris about, being apprehendit salbe put in the Kingis ward or irnis als lang as they have ony gudis of thair awin to leif on, and fra they have not quhairupoun to leif of thair awin, that thair earis be nalit to the trone or to ane uther tre and thair earis cuttit of and baneist the cuntrie, and gif thairefter that they be fund agane that they be hangit. Item, that name be sufferit to beg bot cruikit folk, seik folk, impotent folk and waik folk. Item, that name be tholit to beg in ane parochyn that ar borne in ane uther, that the heidismen of ilk parochyn mak takynnus and gif to the beggaris thairof that thay be sustenit within the boundis of that parochyn, and that name utheris be servit with almos within that parochyn bot thay that beris that takin allanerlie, as in the actis of parliament maid thairanent at mair lenth is contenit; quhilkis in tyme bigane hes not bene put to dew executioun, throw the iniquitie and troublis of the tyme bipast, and be ressoun that thair wes not heirtofoir ane ordour of punisement sa specialie divisit as neid requirit: Thairfoir now, for avoiding of the confusioune of sindry lawis and actis concerning the premissis, standing in effect, and that sum certane executioun and gude ordour may follow heiranent, to the greit pleasour of almichtie God and commoun weill of the realme, it is thocht expedient and ordanit, alsweill for the utter suppressing of the saidis strang and ydill beggaris, sa outragious ennemeis to the commoun weill, as for the cheritabill releving of the aigit and impotent puyr people, that the ordour and forme following be observit quhill the nixt parliament or conventioun generall of the estaitis, that is to say, that all personis being abone the aige of xiiij and within the aige of lxx yeris, that heireftir ar declarit and set furth be this act and ordour to be vagaboundis, strang and ydill beggaris, quhilkis salhappin at ony tyme heireftir eftir the first day of Junij nixtocum to be takin wandering and misordering thame selffis, contrary to the effect and

A.D. 1574.

meaning of thir presentis, salbe apprehendit, upoun thair apprehensioun be brocht befoir the schereffis, stewartis, baillies, or lordis of regaliteis to landwart, or thair deputtis, or befoir the provest and baillies within the burgh, and be thame to be committit in ward in the commoun presoun, stokkis or irnis, within thair jurisdiction, thair to be kept unlettin to libertie, or upoun band or souirtie, quhill thay be put to the knawlege of ane assyis, quhilk salbe done within sex dayis thereftir; and gif thay happen to be convicted to be adjugeit to be scourgeit and burnt throw the girssill of the rycht eare, with ane het irne of the compasse of ane inche about; the proces quhairof salbe registrat in the court bukis, except sum honest and responsall persoun will, of his cheritie, be contentit than presentlie to act himself befoir the juge to tak and keip in his service the offendour for ane haill yeir nixt following, under the pane of xx li. to our Soverane Lordis use, and to bring the said offendour to the heid court at the yeiris end or than gude prufe of his death, the clerk taking for the said act xij d. onelie; and gif the offendour depart and leif the service within the yeir, aganis his will that ressavis him in service, than being apprehendit he salbe of new presentit to the juge and scourgit and burnt throw the girssill of the eare as is befoir said. Quhilk punishment anys ressavit he sall not suffer agane the lyke for the space of lx dayis thaireftir, bot gif at the end of the same lx dayis he be found to have fallin agane in his ydill and vagabound trade of lyff, than being apprehendit of new he salbe adjugeit and suffer the panis of death as a theif. And that it may be knawin quhat maner of personis ar meanit to be ydill and strang beggaris and vagaboundis and worthy of the punishment befoir specifit, it is declarit that all ydill personis gaying about in ony cuntry of this realme, using subtile, crafty and unlauchfull playis, as juglerie fast and lowis, and sic utheris the ydill people calling thame selffis Egiptianis, or ony uther that fenzeis thame to have knawlege in physnomie, palmestre, or utheris abused sciencis, quhairby thay perswade the people that thay can tell thair weardis, deathis and fortunes, and sic uther fantasticall ymaginacionis, and all personis being haill and stark in body and abill to wirk, allegeing to have bene hereit in the sowthland, brint in the lait troubles about Edinburgh and Leith, or allegeing thame to be benneist for slauchter, or utheris wickit deidis, and utheris nowther having land nor maister nor using ony lauchfull marchandise, craft or occupatioun, quhairby to win

A.D. 1574. thair levingis, and can gif na reckning how thay lauchfullie get thair leving, and all menstrallis, sangstaris and taill tellaris, not avowit in speciall service be sum of the lordis of parliament or greit barronis, or be the heid burrowis and citeis, for thair commoun menstrallis, all commoun laubouraris being personis abill in body leving ydillie and fleing laubour, all countirfaittaris of licencis to beg or using of the same, knawing thame to be countirfatit, all vagaboundis, scollaris of the universiteis of Sanctandrois, Glasgow and Abirdene, not licencit be the rector and dene of Facultie of the universitie to ask almous, all schipmen and marinaris allegeing thame selffis to be schip brokin without thay have testimoniallis, as is heireftir declarit, salbe takin, adjugeit, demed and puneist as strang beggaris and vagaboundis; and gif ony persoun or personis, eftir the said first day of Maij nixtocum, gevis money, herbry or ludgeing, settis houssis or schawis ony uther releif to ony vagabound or strang beggar, merkit or not merkit, wanting a licence of the ordinar juge of that jurisdiction, the same being dewlie provin at the heid court, thay sall pay sic unlaw to the Kingis use as be the juge at the heid court salbe modefit, sa the same exceil not v li.; and alsua gif ony persoun or personis disturbis or lettis the executioun of this act ony maner of wayis, or makis impediment aganis the jugeis and ordinar officiaris or utheris personis travelling for the dew executioun heirof, sall incur the same pane quhilk the vagabound sould have sufferit in cais he had bene convict. Providing alwayis that schip men and suddartis landing in this realme, having licence of the sheref, stewart, baillie, lord of regalitie, or provest or baillie or toun quhair thay wer schip brokin or first enterit in the realme, sall and may pas according to the effect of thair licencis to the rowmes quhair thay intend to remane, and that the licencis onelie serve in the jurisdiction of the gevar, sa that gif the persoun travelling haif further jornay he procure the lyke licencis of the officiar of the nixt schyre or toun throw quhilk he mon pas, and sa fra schyre to schyre quhill he be at his resting place. And that thair be certane personis, ane or ma, nominat in every paroche be the schereffis, stewartis, baillies, lordis of regaliteis, thair baillies, provestis, aldirmen and baillies of burrowis, and utheris ordinar jugeis, for sercheing, ressaving and convoying of the vagaboundis to the common presoun and jugeis of the schyre, toun or place, upon the common charge of the parochyn; quhilkis personis sa electit salbe haldin to do thair dewiteis diligentlie as

A.D. 1574.

the saidis jugeis ordinar will anser thairupoun. And sen cheritie wald that the puyre, aigit and impotent personisould be als necessarlie providit for as the vagaboundis and strang beggaris ar repressit, and that the aigit, impotent and puyr people sould have ludgeing and abyding places throuchout the realme to settill thame selffis intill, that thay sould not neid heireftir to beg or wander about, to the sklander of a cristiane commoun welth that hes ressavit the evangell, it is thairfoir thocht expedient that the eldaris and deaconis in everie citie, burgh, and gude toun, and the heidismen of ilk parochyn to landwart, sall betuix and the said first day of Maij nixtocum tak inquisitioun of all aigit, puyr, impotent and decayed personis borne within that parochyn, or quhilkis wer dwelling and had thair maist commoun resort in the said paroche the last sevin yeris bipast, quhilkis of necessitie mon leif be almons, and upoun the said inquisitioun sall mak a register buke contening thair names and surnames, to remane with the eldaris and deaconis or heidismen of the parochyn to landwart, and the nowmer of the puyr people of every parochyn being this knawin, to provyde, with avise of the parochynnaris, quhair thay may best be ludgeit and abyde, and thairupon according to the nowmer to consider quhat thair neidful sustentatioun will extend to in the owlk, and than, be thair gude discretionis, taxt and stent the haill inhabitantis within the parochyn according to the estimatioun of thair substance, without exception of personis, to sic ouldlie charge and contributioun as salbe thocht sufficient to sustene the saidis puyr people; and the names of the inhabitantis stentit, togidder with thair taxatioun, to be likewyis registrat. And that at thair discretion thay appoint the deaconis ane or ma or quhair thay ar not collectouris for ane haill yeir for collecting and ressaving of the said ouldlie portioun, quhilk sall ressave the same and deliver samekill therof to the saidis puyr people and in sic maner as the saidis eldaris or heidismen in the parochynnis to landwart respective sall ordane and command, and the deaconis or sic uther owersearis of the saidis puyr people as salbe appointit be thair discretionis to continew also for a yeir. And at the end of the yeir that alsua the taxatioun and stent roll be alwayis maid of new for the alteratioun that may be throw deith or the incres or diminitioun of mennis gudis and substance. And that the eldaris in citeis, burrowis and gude townis, and heidismen of the parochynnis to landwart, sall gif a testimoniall to sic puyr folk as thay find

A.D. 1574. not borne in thair awin parochyn, sending or directing thame to the mixt parochyn, and sa frome parochyn to parochyn quhill thay be at the place quhair thay wer borne or had thair maist common resort and residence during the last sevin yeris preceding, thair to be put in certane abyding places and sustenit upoun the commoun almons and ouldlie contribute as is befoir ordanit, except leprous people and bedfast people quhilkis may not be transportit. Providing that it be lefull to the puys people, sa directit to thair awin abyding places, to ask almons in thair passage sa as that thay pas the direct way, not resting twa nychtis togidder in ony ane place, without occasioun of seiknes or storme impeid thame. And gif ony of the puys people refuissis to pas and byde in the places appointit, or eftir the appointment be found begging, than to be puneist be seurgeing, impresonment and birning throw the eare as vagaboundis and strang beggaris; and for the secund falt to be puneist for thevis as is befoir appointit. And gif the personis chosin collectouris refuissis the office, or having acceptit the same beis fund negligent therin or refuisis to mak thair comptis every half yeir, anys at leist, to the eldaris and heidismen of the parochynnis as is befoir specifit, and to deliver the superplus of that quhilk restis in thair handis at the end of the yeir to sic as is chosin collectouris of new, than ilkane of the saidis collectouris sa offending sall incur the pane of xx li. to be recoverit on him, befoir quhatsumevir jugeis, to the use of the puys of that parochyn, and impresonment of thair personis during the Kingis will. And gif ony personis, being abill to further this charitabill werk, will obstinatlie refuis to contribute to the releif of the puys or discourage utheris frome sa charitabill a deid, the said obstinat or wilfull persoun being callit befoir the ordinar juge of the schyre, toun or place, and conviet thairof be ane assyis or sufficient testimony of twa honest and famous men his nychtbouris, he salbe committit to ward and thair remane quhill he be content with the ordour of his awin paroche and performe the same in deid. And gif the aigit and impotent personis, not being sa diseased, lame or impotent, bot that thay may wirk in sum maner of werk, salbe be the deaconis and owersearais appointit to werk, refuis the same, than first to be scourgit and put in the stokkis and for the secund falt to be puneist as vagaboundis as said is. And gif ony beggaris barne, being abone the aige of fyve yeris and within xiiij. maill or famell, salbe lykit of be ony subject of the realme of honest

A.D. 1574.

estate the said persoun salhaif the barne be ordoure and directioun of the ordinar jugeis bund with him, gif he be a man chyld to the aige of xxiiij yeris, and gif scho be a woman chyld to the aige of xvij yeris, and gif thay depart, or be takin or entysed frome thair maister or maistres service, the maister or maistres to have the lyke actioun and remedy as for thair feit servand and prenteis, alsweill aganis the barne as aganis the takar or entyser thairof. And quhair collecting of money can not be had, and that it is ower greit a burding to the collectouris to gadder victuallis, meit and drink, or uther thingis for relief of the puyr, in sum parochynnis, that the eldaris or heidismen of the parochyn gif licence under thair hand writtis, conjunctlie, to sic and samony of the said puyr people or sic utheris for thame as thay sall think gude to ask and gadder the cheritabill almons of the parochynnaris at thair awin houssis, sa as alwayis it be specialie aggregit and appointit how the puyr of that parochyn salbe sustenit within the same and not to be chargeabill to utheris nor found troubilsum to strangelaris. And that na Irische and Hieland bairdis and beggaris be brocht and ressavit in the lawland be boittis or utherwayis, under the pane of xx li. of the bringaris, and gif ony be alreddy brocht thay salbe convoyit agane to the nixt port neir quhair thay wer landit or neir the same and frome that transportit at the commoun charge of the cuntry quhair thay wer set on land to the portis thay come fra. And seing be ressoun of this present act and ordour the commoun presonis, irnis and stokkis of every heid burgh of the schyre and utheris townis ar lyke to be filled with a greittar nowmer of presonaris than of befoir hes bene accustummat, insafar as the saidis vagaboundis and utheris offendouris ar to be committit to the commoun presoun of the schyre or toun quhair thay wer takin, the same presonis being in sic townis quhair thair is greit nowmer of puyr people, mair nor thay ar weill abill to sustene and releif, and swa the presonaris ar lyke to pereis in defalt of sustenance, thairfoir the expenssis of the presonar salbe payit be a part of the commoun distributioun and ouldlie almons of the parochyn quhair he was apprehendit, allowand to him dalie ane pund of ait breid and watter to drink, for payment quhairof the presentar of him to presoun sall gif suirtie or mak present payment. And the present act and ordour quhill the nixt conventioun or parliament to indure, that than it may be considerit quhat is further requisite to be providit for in this behalf, or gif ony thing heir

A.D. 1574. ordanit sall than appeir unproffittabill, superfluous, or worthy to be changeit, and further ay and quhill expres dirogatioun be maid therto; and that lettres be direct for publication and executioun heirof in forme as efferis.

## PARLIAMENT HELD AT STIRLING.

Ratificatioun of the privilegis of burrowis; with additioun.

25th July  
1578.

11. Oure Soverane Lord, with avis of his thrie estaitis of this parliament, hes ratifeit and apprevit, and be the tennour heirof ratifeis and appreves, of new, all actis and constitutionis of parliament, maid be quhatsumever our Soverane Lordis predecessouris of befoir, in favouris of the burrowis and burgessis of all this realme, inhabitantis of the samyn, with all prevelegis, fredomes, immuniteis and liberteis, grantit and gevin to thame and everie ane of thame, and decernis and declaris the samin to haif full strenth, force and effect, in all tymes heirefter, sua that the samyn may be putt to full and dew executioun in all pointis, and to stand as ane perpetuall law to thame and thair successouris;<sup>1</sup> with this additioun, gevand thame fredome and prevelege to convene four tymes in the yeir for sic materis as concernis thair estait, and that in quhat burgh it salbe thocht expedient to the maist part of the saidis burrowis; provyding alwayis, for eschewing of tumultis, that thair be present at the saidis conventionis for everie burgh in mowmer ane, except the toun of Edinburgh to haif ane ma nor the utheris burrowis.

## PARLIAMENTS HELD AT EDINBURGH.

For punischemet of regrataris and foirstallaris.

10th Novem-  
ber 1579.

26. ITEM, our Soverane Lord and thrie estaitis of parliament hes ratifeit and apprevit, and be this act ratifeis and apprevis all actis and constitutionis maid be his Hienes maist noble progenitouris in tyme bigane, specialie the actis maid be umquwhile his Hienes dearest guidschir King James the Fyft, of worthie memorie, anent foirstallaris and regrataris of

<sup>1</sup> A ratification in similar terms to the foregoing was passed on 10th November 1579, with the addition of the following words: "And the lordis of counsale and sessioun to gif and direct sic lettres at the supplicatioun of the provestis aldermen and baillies of burrowis as ar aggreadle with the saidis lawis and actis of parliament in all poynpis."

A.D. 1579.

victuallis, flesche, pultrie, and utheris vivers cummand to mercattis, and makis and constitutis the provestis, aldermen and baillies of all his hienes burrowis his Majesties justices for executioun of the saidis actis within the boundis of thair awin fredomes and jurisdictionis, and to uptak the panes contentit thairin, to be applyit efter the forme and tennour thairof.

For punischemet of thame that tynis the pley within burgh.

29. ITEM, our Soverane Lord and thrie estaitis, undirstanding that divers and sindrie his liegis, namelie within burgh, ar becumin sa wilfull, obstinat and malicious, that they will not be content to pay and satisfie thair nyehtbouris and creditouris of sic debt as ar auchtand justlie to thame without calling and compulsioun of the law and extremitie thairof, thairfoir statutis and ordanis that the pairty aganis quhome decretis beis gevin in burgh sall pay to the support of the puyr xij d. of every pund efferand to that quhilk beis obtenit and recoverit befoir the juge, and alsua the expenssis of the party obtener of the decretis, at the modificatioun of the said juge; and gif ony pairty allegis, producis or gevis in befoir the juge within burgh ony defence or exceptioun quhilk hes bene of befoir proponit, to the dilay of his party, the producear [and proponar]<sup>1</sup> thairof sall pay the sowme and pane of xx s. to be employit to the help of the puyr, and that sa oft as failzie beis maid and this to extend alsweill to the procuratour as principall pairty in tyme cummyng.

Commissioun to decide the antiquitie and prioritie amangis the burrowis.

57. The Kingis Majestie and his thrie estaitis in this present parliament, understanding the debait betwix the burrowis of Perth, Dundee and Striveleng, anent the ordering of thame in thair awin places according to the auncietie of the saidis burrowis, and that thair is ane conventioun of the burrowis to be in Glasgow the xxijij day of Februar nixtocum, at the quhilk tyme ordanis all the foirsaidis thrie burrowis to send commissioneris fullely instructit for thame and everie ane of thame, with the richtis and privilegis quhairby everie ane of thame clames thair places in parliament, at the quhilk tyme ordanis the saidis commissioneris of burrowis to tak ordour with thame thairanent for placeing of every ane of thame in thair

11th Novem-  
ber.

<sup>1</sup> The words within square brackets are deleted in the Record edition of the Acts.

A.D. 1579. awin places, and siclike the rest of the burrowis, swa that perpetuall ordour may be establishit amangis the saidis haill burrowis in tyme cuming; and his Majestie with advise of his saidis thrie estaitis, for performing of the premissis, hes gevin full pouer and commissioun to the saidis burrowis and commissioneris thairof to tak ordour heiranent as is abone writtin, and as the saidis commissioneris declaris and decernis ordanis the same to have full effect and they to abyd thairat in tyme cuming, with certificatioun to thame and they failzie, the remanent burrowis gevand furth thair decreit upon thair placeing in maner foirsaid, thair said decreit sall stand and have effect in all tyme cuming.

Anent the conventioun of burrowis.

29th November 1581.

26. Forsamekill as it wes found necessar to oure Soverane Lord and his hines predecessouris that the commissionaris of burrowis convene at sic tymes as they suld think guid, in quhat burgh they thocht maist expedient, with full commissioun to treat upoun the weifair of merchandis, merchandise, guid rewle and statutis for the commone profite of burrowis, as at mair lenth is contenit in the actis of parliament maid thairanent and anent the privilege of burrowis; thairfoir oure Soverane Lord, with advise of his thre estatis of this present parliament, ratifeis and apprevis the saidis actis, and for bettir observatioun of the saidis conventionis be sic burrowis as hes heirtofor not send thair commissioneris at onie tyme thairto, hes statute and ordanit that in tyme cuming quhen onie conventionis of burrowis is appointit to the maist pairt of the saidis burrowis, or be the burgh of Edinburgh and onie sex or aucht of the rest, the burgh warnit thairto be onie missive bill of the provest and bailzeis of the burgh quhair the said conventioun is to be haldin, or uthir wayis lawfullie cytat thairto, and not compeirand be thair commissioner sufficientlie instruct, sall pay to the chargeis of the burghis that sall convene the sowme of twentie pundis; and ordanis the lordis of counsell and sessioun to grant and direct letteris of hornyng or poinding aganis the burrowis absent fra the same conventioun and adjudget be the remanent burrowis to have incurrit the said pane and unlaw, and this at the instance of the burgh of Edinburgh without farther proces and calling of pairtie thairto, the saidis lordis seand the act autentikle subscrivit be the clerk of that conventioun that thai ar absent and convict as said is.

Anent the cuming of schippis to the burrowis of the West Cuntrie.

27. Oure Soverane Lord and his thre estatis of this present parliament ratifeis, apprevis and confirmis the act maid be his Hiness maist noble progenitoure King James the Feird, of guid memorie, anent strangeris repairing within the realme with thair schippis and guidis in all pointis, passis, clausis and articles thairof, and decernis the samyn to have full effect and strenth in tyme cuming, after the forme and tenoure thairof; with this additioun that all maner of strangeris schippis and utheris repairing to [the] west pairtis of this realme, west and north Ilis thairof, cum to the Kingis fre burrowis, sic as Kirkeudbryght, Wigtoun, Air, Irving, Rothesay, Dunbartane or Renfrew, and thair mak their merchandice with fre men thairof of all maner of guidis, alsweill brocht within this realme be thame as tane furth of the samin, and pay thair custume and dewitie to the ordiner custumaris in thei pairtis quhair they arryve and passis fra, and tak thair cocquettis thair as the uthir legeis of the realme, inhibiteand expreslie the saidis strangeris that thei mak na maner of merchandice at the lochis of the west and north Ilis, nor na uthir places not being fre burrowis, nor by onie merchandice or fische bot saltit and barrellit bot at fre burrowis, and that fra fre men; commanding expreslie all oure Soverane Lordis leigis that nane of [them] conduct, fraucht nor pilat onie stranger to the saidis Ilis, under quhatsumever cullour or pretence, to the defraud of oure Soverane Lordis leigis and of his Hiness custumes, under the pane of tynsall of lyff, landis and guidis; and commanding alsawa all strangeris, resorteris and repaireris within the saidis Ilis, that they nor nane of thame do nor attempt onie deid or fact in contrair heirof, under the pane of amissioun, tynsell and confiscacioun of thair haill schippis and guidis; gevand alsawa full power and commissioun to the provestis, baileis and officiaris of the saidis burrowis, for quhom they salbe haldin to answer, to seirche, seik, tak, apprehend and imbring all the saidis strangeris contravenaris of this present act everie ane of thame within the boundis of thair jurisdictioun, and gif thei be fundin culpabill and brekeris heirof to proceid and do justice thairupon, and to appoint and tak up thair haill schippis and moveabill guidis, that is to say, the twa pairt to oure Soverane Lordis use, quhairof thei sall mak yeirlie compt in his Hiness chekker, and the thrid pairt to the appre-

A.D. 1581.

A.D. 1581. hendar of the saidis contraveneris of the said act; and ordanis letteres of publicatioun to be direct heirupoun gif neid beis in forme as efferis.

**Anent the setting of ordoure and price on all stuf.**

28. Oure Soverane Lord, with advise of his thre estatis and haill bodie of this present parliament, ratifeis, apprevis and for his Hines and his successouris perpetuallie confirmis the actis maid be his maist noble progenitouris for the stancheing of derth of victuallis and setting ordoure and price on all stuf, and specialle the lxxxix act of King James the First, the xx and lxxvij actis of King James the Fift, and the xxvij act of the parliament haldin and begun at Edinburgh upoun the first day of Februar the yeir of God j<sup>m</sup> d. Ij yeris;<sup>1</sup> and ordanis all erles, lordis, baronis, alsweill within regalitie as ryaltie, and thair baileis to landwart, and the provestis and baileis of all burrowis and citeis, to caus the saidis actis of parliament be put in dew executioun, everie ane within thair boundis and jurisdiction respective, makand and constitutand thame justices to that effect; with power to thame to mak and appoint statutis and ordinancis for the speciaall observatioun of the saidis actis at every heid court yeirlie, and to inquyre, call, accuse and punische the contraveneris of the saidis actis at the saidis heid courtis, under the pane of ane hundredth pundis to be pait be everie erle, lord, barone, alsweill within regalitie as ryaltie, and thair baileis, and of the provestis, aldermen, and baileis of every burgh and citie, that salbe found remisse and negligent in executioun of the saidis actis for every time that thei salbe dewlie callit and convicted thairof; and ordanis dittay to be tane heirupoun and the saidis judges to be callit to underly the law thairfair, outhir at generall justice airis or at particular dyettis as it sall pleis the Kingis Majestie to command.

**Act of remitting betuix the burrowis of Dundie and Perth of the decisioun of the controversie for prioritie betuix thame to the remanent burrowis.**

47. Anent the supplicatioun gewin in be the provest, baillies, counsale and communite of the burgh of Dundie, makand mentioun that quhare within thir few yeiris the communite of the burgh of Perth,

<sup>1</sup> See Record Edition of the Acts of Parliament, 1426, c. 4; 1535, c. 23; 1540, c. 16; 1551, c. 18.

A.D. 1581.

without ony ground or gude reassone, sterit up ane questioun aganis the said burgh of Dundie for the first place in all parliamentis, conventiones and essembleis, the said burgh of Dundie being the mair antient burgh, mekill mair burdenit in the service of our Soverane Lord, baith in bodyes and gudes, the estait of the said burgh being also governit be the merchandis, excluding the craftsmen fra all office of governament within the samyn, and the said burgh of Dundie being evir in tymes bipast in possessioun of the first place, and becaus the saidis inhabitantis of the said burgh of Perth persistit sa wilfullie in thair said sute, the mater being proponit to our Soverane Lord and thrie estatis in the parliament haldin at Edinburgh the ellevint day of November the yeir of God j<sup>m</sup> v<sup>e</sup> threscoir nynetene yeiris, the samyn was remittit, togidder with the renkning and placing of the haill burrowis within this realme, to the commissionaris of the haill burrowis, to be finallie determinat be thame in the nixt conventioun, as the act of parliament maid thairupoun heir present to schaw at mair lenth propertis; according to the quhilk the said debait was proponit to the saidis commissionaris first in thair conventioun haldin at Glasgow in the moneth of Februar the yeir of God j<sup>m</sup> v<sup>e</sup> threscoir nynetene yeiris,<sup>1</sup> and secundlie in thair conventioun haldin at Aberdene in the moneth of Julij the yeir of God j<sup>m</sup> v<sup>e</sup> lxxx yeiris,<sup>2</sup> at baith the quhilkis tymes thair was nathing procedit of the raritie of the saidis commissionaris, and that thair was na convenient tyme than to treate the said mater, and swa last of all the samyn was continewit to the conventioun of the commissionaris of burrowis to begin at Edinburgh the sevintene day of Aprile the yeir of God j<sup>m</sup> v<sup>e</sup> lxxxij yeiris, and the mater of new being proponit in the said conventioun and the reassones of ather partie being producit in writt, viseit and considerit be the saidis commissionaris, thay, upoun the twentie day of the moneth of Aprile the yeir of God j<sup>m</sup> v<sup>e</sup> lxxxij yeiris foirsaidis, gaif to the said burgh of Dundie thair resolute answer that thay war nocht juges competent thairto nor could nocht convenientlie decyde thairupoun for certane pretendit reassones specefeit in the act of the dait foirsaidis;<sup>3</sup> and nevirtheles upoun the morne thaireftir, being the xxij day of the said moneth of Aprile, the saidis commissionaris being convenit declarit that for feir of lettres of horning

<sup>1</sup> Convention Records, Vol. I., pp. 84, 85.

<sup>3</sup> *Ibid.* pp. 112-13.

<sup>2</sup> *Ibid.* pp. 107-8.

A.D. 1581. direct aganis thame thay wald prouunce in the said mater in maner following, and upoun the samyn day, for feir of the saidis lettres as thay planelie professit, decernit that the commissionaris of Perth shold have the first place in all conventiones quhill the nixt parliament, to the quhilk tyme they remittit the principall mater, but prejudice of the ryghts of ather of the parteis outhir at that tyme or ony uther tyme thaireftir;<sup>1</sup> and swa the saidis commissionaris war nocht onlie contrareous in thair first and last deliverance bot als have gewin na direct anser to the principall mater according to the said act of parliament, quhilk was thair power and commissioun; bot hes remittit the samyn to the parliament, as the act heir present to schaw beris, and swa this contentioun and pley is yitt undecydit ather in the pairt of Dundie, Striweling and Sanct Johnstoun, nor yitt in the renkning of the rest of the haill burrowis, eftir the forme and tennour of the said act of parliament; desyring thairfore the Kingis Majestie and thrie estatis to ressaye the reassones quhilkis the saidis provest, baillies, counsale and communitie of Dundie have presentlie to be produciet, and to decyde in the said mater swa that thaireftir na questioun may arryse thairupoun, as at mair length is contenit in the said supplicatioun. Quhilk being sene and considerit, first by the Kingis Majestie and lordis of articles and thaireftir be the thrie estatis, oure said Soverane Lord, with advise of the saidis thrie estatis of this present parliament, have remittit and remittis the decisioun of the said mater simpliciter to the burrowis; and ordanis thame to proceid and decyde summerlie thairintill, but fordar delay, and siclyke upoun the renkning and placeing of the rest of the burrowis everye ane of thame in thair awin places and as thay sall use the samyn in tyme cumming; and ordanis lettres to be direct heirupoun gif neid beis in forme as efferis.

Protestation of the burgh of Perth anent the placing of thame in Parliament  
before the burgh of Dundie and nixt to Edinburgh.

19th May  
1584.

Henrie Adamesoun, for the burgh of Perth, askit instrumentis that he produceit ane decree gevin be the commissionaris of burrowis anent the placeing of thame in parliament befoir the burgh of Dundie and nixt Edinburgh, and that albeit the mershell at command of the King displacit

<sup>1</sup> Convention Records, Vol. I., pp. 118-19; 124-25.

James Hepburne, thair commissionair, that the samyn on na wayis prejudge thair decret nor right to be decidit thairanentis, and thairupoun askit instrumentis.

A.D. 1584.

Protestation siclyke for Dundie.

And siclike, Alexander Skrymgeour, commissionar of Dundie, protestit that what beis done in this cause on na wayis hurt nor prejudge thair burgh nor liberties of Dundie.

PARLIAMENT HELD AT LINLITHGOW.

Ane act in favouris of the burrowis anent the paking and peeling of fisches.

11. Forsamekle as in the act of parliament laitlie maid anent the paking and peeling of herring, quhite fische, and other fische slane on ather syde of the watter of Forth, it is expresly providit that all the saidis fisches salbe brocht to the portis of Leith or Craill allanerlie, thair to be grathit and handillit, as in the said act at mair lenth is contenit; quhilk sensyne hes bene verray prejudiciale and hurtfull to the remanent frie burrowis and sey portis on athir syd of the said watter of Forth: Thairfoir our said Soverane Lord, with advise of his thre estaitis convenit in this present parliament, declaris, statutis and ordanis that it sall be lesun to the remanent of the saidis fre burrowis to haif the saidis fisches brocht to ilk ane of thame in tyme cuming, alsweill as to the saidis portis of Leyth and Craill, notwithstanding onie restrictioun maid thairanent be the said act or utherwayis of befoir, dispensand thairwith for evir; and ordanis lettres of publicatioun to pas heirupoun in forme as effeiris.

10th Decem-  
ber 1585.

PARLIAMENT HELD AT HALYRUDHOUS.

Anent taxatioun of burrowis.

109. Oure Soverane lord and thre estaitis of parliament, understanding that be the lait annexatioun of kirklandis to the croun the taxt of the clergie mon be alterit and ane grite part thairof laid upon the saidis temporall annext landis, and becaus the frie burrowis of this realme abydis

29th July  
1587.

A.D. 1587. in the same estait quhairin thai wer of befoir, thairfoir our said Soverane Lord, now after his perfite aige of xxj yeiris compleit, with avise and consent of the thre estaitis of this present parliament, statutis and ordanis that the taxatioun of frie burrowis soll nawayes be alterit bot soll stand as the same stude in all tymes preceeding, that is to say thair part of all generall taxationis in tyme cuming soll extend to the saxt part thairof allanerlie.

Act inhibiting the burrowis to sell or dispone thair fredomes without  
consent of the estates in parliament.

114. Forsamekle as it [is] not lauchfull to ony of the Kingis vassallis to sell and annalie thair landis in prejudice of his Majestie, thair superiour, evin sa it is fund expedient, statute and ordanit, be oure Soverane Lord and thre estaitis in this present parliament, that it soll not be lauchfull to ony of his Hienes frie burrowis to sell or annalie thair fredome and privilege in haill or in paire to ony uther burgh, or utherwyse quhatsumevir, without expres licence and consent of his Hienes and thrie estaitis in parliament, under the pane of amissioun and tinsall of the fredome of the burgh othir byand or selland the saidis fredomes in haill or in part as said is.

Act in favour of the craftsmen Flemyngis.

119. (1) Oure Soverane Lord and thrie estaitis of this present parliament, upoun the humill supplicatioun of Johne Gardin, Philp Fermant and Johne Banko, Flemyngis strangearis and warkmen, haifing consideratioun that the saidis strangearis ar cum within this realme to exercise thair craft and occupatioun in making of searges, growgrams, fusteanis, bombesies, stemmingis, beyis, covertouris of beddis, and utheris appertening to thair said craft, and for instructioun of the saidis liegis in the exercise of the making of the warkis, and hes offerit to oure said Soverane Lord and haill commoun weill of this realme the experience and suir knawlege of thair labouris, quhilk will tend to ane perpetuall floresching of the said craft within this realme, thairfoir oure said Soverane Lord and thre estaitis foirsaidis hes thocht ressounable and expedient, and for the commoun weill of the realme hes aggredit and concludit with the saidis

A.D. 1587.

craftismen and strangearis foirsaidis, upoun the particular heidis and articles following, that is to say, the saidis craftismen sall remain within this realme for the space of fyve yeiris at the leist, efter the dait heirof, and salbring within this realme the nowmer of xxx personis of wabsteris, walkaris and sic utheris as may wirk and perfome the said wark, as alsua ane litstair or ma for litting and perfittin of thair saidis warkis, and that thai and thair servandis, walkaris, wobstaris and litstaris, to be brocht hame be thame sall mak and perfite thair steikis and peeces of warkis according as the samin ar or hes bene maid in Flanderis, Holland or Ingland, kepand lenth, breid and fynnes, conforme to the rule and stile of the buik of the craft foirsaid presentit befoir his Majestie be the saidis craftismen, sene, considerit, allowit, markit and authorizit be his Hienes and deliverit in keping to the superintendent of the said craft and keipare of his Hienes seill thairof efterspecifiit.

(2) ITEM, the saidis craftismen ar oblist be thir presentis to tak na prenteissis bot Scottish boyis and madinnis of this realme, and befoir onie utheris the burges bairnis of Edinburgh to be preferrit and acceptit, upoun the conditionis following, to wit, to be prenteissis be the space of fyve yeiris; and that the saidis strangearis sall learne thair prenteissis sum pairt of thair craft quhairby thair labouris may be worth thair meat and clething, within the space of halff ane yeir efter thair entrie, and thereafter the saidis maisteris sall instruct thame in the haill pointis of thair said craft within the space of fyve yeiris, and sall hyde na pairt therof fra thame, and alsua sall furnishe thame ressounablie in meit, drink, clething, bedding, wesching and wringing; for the quhilkis caussis to be performit be the saidis strangearis to thair prenteissis during the said space of fyve yeiris the said prenteissis and ilk ane of thame sall pay to thair maisteris for ilk ane of thair prenteisseis the sowme of fourty pundis Scottis money [as is commounlie gevin with the prenteissis of craftis within Edinburgh]<sup>1</sup>; alsua the saidis strangearis ar oblist be thair presentis not to suffer ony personis of thair awin natioun and vocatioun to beg or trouble this cuntrie for povertie and that thai sall interteny thame be thair warkis and furnessing conforme to the ordour observit be thair natioun in Ingland; and the price of the saidis seillis to be payit be the byaris of the said stuff.

<sup>1</sup> The words printed within square brackets are deleted, and the following substituted on the margin: "for ilk man cheild, and twenty pund for ilk madin."

A.D. 1587. (3) ITEM, to the effect that his Majesties lieges be not dissavait nor prejudgeit be the saidis strangearis unsufficient wark, bot that the samin wark and every peice and parcell therof salbe als sufficient as ony uther siclyk stuff that is maid in the saidis cuntries of Flanderis, Holland or Ingland, according to the reull and forme of the buik of the said craft producit and merkit as said is, thairfoir his Majestie, with avise foirsaid, hes appoinfit, constitute and ordanit ane honest and discreet man, Nicolas Uduart, burges of Edinburgh, to be visitour and oure sear of the saidis craftsmen haill warkis, steikis and peeces, and to try the sufficiencie therof, and to keip his Hienes seill, stamp and irne for marking thairof, for the quhilk seill and furnessing of irnes and lead thairto, as alsua the timmer and lomes quhairupoun thai stent the said stuff, the said Nicolas salhave sic dueties as is contenit within the said buke and as is commounlie usit to be payit therfoir in Flanderis, Holland or Ingland; quhilk office his Majestie, with avise foirsaid, gevis and disponis to the said Nicolas during his lyvetyme, and be thair presentis exemis him fra all extensis, watcheing, wairding and utheris chairges and impositionis quhatsumever, als frelie as the saidis strangearis ar exemit therfra, and that for guid considerationis moving his Majestie.

(4) And his Majestie, willing to gratifie the saidis strangers for thair gude offices foirsaidis, hes grantit and be thir presentis grantis to the saidis strangers and workmen ane patent place within the burgh of Edinburgh, or within ony uther burgh within this realme, quhair thay sall remane upoun the ordinar mercat dayes of the saidis burrowis to sell thair maid steikis and peeces of stuff to the lieges of this realme, providing that thay sall sell na wool nor worsett befoir the same be put in wark, alsua that the burgh quhair thay duell and usis thair craft sall appoint thame sufficient places to sett up treis, draw and dry thair stuff, and uther neidfull thingis for thair craft, upoun resonable payment, conforme to the ordour of thair said buke.

(5) ITEM, his Hienes, with avise foirsaid, be thir presentis exemis the saidis strangers, thair cumpanyes, servandis and prentissis, fra all taxationis, subsideis, tributis, impositionis, watching, warding, stenting and utheris chargeis quhatsumevir, within burgh or outwith the same, and ordanis that the magistrattis of the burgh of Edinburgh, and utheris quhair thay sall remane, to mak thame burgessis of thair burgh and grant

thame the libertie thairof gratis during thair remaning; and als his Majestie grantis to thame the libertie and privilege of naturalizatioun and to be als fre within this realme during thair remaning as gif thay wer borne within the samyn, and that thair lauchfull barnis sall brouke the saidis privilegis as gif thay wer naturalizat or borne Scottismen.

(6) Alsua, his Majestie ordanis the provest and baillies of Edinburgh, and of the uther burrowis quhair the saidis strangers salhappin to mak residence, to furneis and deliver to ilk ane of the saidis thre workmen ane sufficient worklume to begyn thair work and na further.

(7) ITEM, it is permittit that strangers may bye the saidis personis steikis of work in the oppin mercat allanerlie, and alsua that thay may cheis to thame selffis within the said burgh of Edinburgh and libertie thairof, or ony uther burgh of this realme, ane convenient place for the use of wattir to thame and thair servandis and to ane walker and littistair, conforme to thair said buik, and that thair servandis and prentissis that sall cum within this realme salbe exemit fra all exactionis as said is, and alsua salbe rebursit and payit of thair expenssis and passage cuming be sey be the magistrattis of the burgh quhair thay sall arryve and mak residence, thay being alwyse craftsmen hable to exercise the said vocatioun.

(8) It is alsua grantit be his Majestie, with advise foirsaid, that the saidis Flemyngis craftsmen and thair cumpanyes, when thay ar ane sufficient nowmer and sall require ane kirk and minister to be the kirk of thair natioun, that the samyn salbe permittit to thame upon thair expenssis ressonable for mantenyng of the kirk and sustenyng of ane minister thairat as thay can aggre with the parteis; providing that thay and thair congregatioun of the said kirk salbe subject to the discipline and professioun of the kirk of Scotland and to the ecclesiasticall and civile lawes thairof.

(9) And lykewyse it is permittit be his Majestie that the saidis craftsmen may bring within this realme and interteny within the same ane wricht of thair awin cuntrie for making of thair worklumes, quha salbe exemit and brouke thair liberties foirsaidis as thame selffis.

(10) And for the bettir furtherance of this gude and godlie interprise his Majestie, with advise foirsaid, gevis and assignis to the saidis thre strangers and thair cumpanyes the sowme of ane thousand merkis money of this realme, to be payit to thame of the first and reddiest of the guidis

A.D. 1587. quhilkis salhappin to be maid by thame for the dewtye of his Majestie custume quhilk salbe ressavit of ilk steik and pece of thair work and laboure and that to be payit efter the said nowmer of threttie workmen be brocht in and plantit within this realme.

(11) ITEM, his Majestie with advise of the saidis thre estaittis, declaris and ordanis that ilk steik and pece of the saidis craftsmenis work soll pay to his Hienes be the workers thairof, for his Majesties custume of the same, sic custumes and dewetye as is payit thairfore in Flandirs, Holand or England, conforme to the said buik and valoure of the said stuff as salbe gevin in table to the said Nicolas Udwart, quhome his Majestie alsua be thir presentis constitutis ressaver of the said custume and dewetye during the space foirsaid.

(12) And the saidis strangers and workmen presentlie within this realme, or that salhappin to cum within the same to the effect foirsaid, salbe bund and obleist to present thame selffis befoir the provest, baillies and counsale of the saidis burrowis befoir thay be admittit to brouke the privilegis abonewrittin, and thair gif thair aythis for observing of the lawes of this realme spirituall and temporall, and for dew obedience to his Majestie and his successouris, thair jugeis and officiaris, thair superintendent and oversear, as accordis to the lawes of this realme, and that they soll remane within this realme at thair work and soll not vaig thairfra during the said space of fyve yeiris and further during thair remaning within this realme.

#### PARLIAMENTS HELD AT EDINBURGH.

Alteratioun of the mercat dayes frome the Sabbath day.

5th June 1592. 17. Oure Soverane Lord and estaittis of this present parliament decernis and declaris that it salbe lesum to all townis and parrochynnaris to landwart, quhair mercattis of befoir wer keptit and haldin upon the Sabbath day (being now prohibite be the law of God and lawes of this realme sa to continew), to elect and cheis ony uther day in the oulk for halding of the saidis mercattis within the saidis townis and at landwart kirkis quhair they wer accustumat to have mercattis of befoir (not being the mereat day of the nixt burgh) and thair to buy and sell viveris and

A.D. 1592.

sic utheris commodities as were usit upoun the Sabbath day, without stope or impediment, alwayes without prejudice of the richt and liberties of his Hienes frie burrowis; and that lettrez be direct heirupoun gif neid beis in forme as efferis.

Anent the payment of the burrow males.

36. ITEM, becaus the burrow ruidis, landis and privilegis of the maist pairt of the burrowis of this realme ar sett of auld for the burrow males contenit in thair infectmentis, to be payit in Striviling money and throw the ovisicht and negligence of his Majesties officiaris, thir mony and dyvers yeris bygane, the saidis males ar ressavit in current money of this realme, to his Hienes greit hurt and dammage, thairfoir his Majestie, with avise of his estaitis, ordanis the haill provest and ballies of the burrowis of this realme to produce thair infectmentis in this nixt chekker, to be sene and considerit be the lordis auditouris thairof, that it may be knawin quhether thay aucht to pay thair saidis burrow males in Striviling money or usuall current money of this realme; with certificatioun and thay failzie thay salbe haldin to pay the samyn in all tymes heireftir in Striviling money or els the availl thairof as it is now current in Scotland.

Anent the custumes of Englische guidis.

37. Oure Soverane Lord and estatis of this present parliament ratifies, apprevis and confermis the act of secr̄et counsaill, maid upoun the penult day of Februar j<sup>m</sup> v<sup>e</sup> lxxxix yeris,<sup>1</sup> anent the bringing of all pakkis of Inglis clait, haill, unbrokin up, to the custume hous and selling thairof in maner contenit thairintill, in all pointis, articles and claussis respective, specified in the same; with this additioun that na maner of personis tak upoun hand to hows, hyd or conceill ony maner of Inglis guidis, ather cumand be sey or land in ony burgh or suburbe of this realme, under the pane of confiscatioun of all the guidis sua hid and concelit in defraud of the dew custume quhairevir the same can be apprehendit; and incace the samyn be nocth apprehendit the awnaris to mak the availl thairof furthe cumand to his Majestie as escheit, efter tryell tane thairintill as effeiris. As alsua, for the better executioun to ordane ilk custumar to serch within the

<sup>1</sup> Privy Council Reg. IV., pp. 461-2.

A.D. 1592. boundis of his office all maner of houssis and buithis, alsweill to burgh as to land, and to escheat, confisk, and intromett with all maner of uncustumat Englis guidis, and all Englis claih unseillit, and gif neid beis to mak oppin durris and uther lokfast lwmes, and to use his Majesties keyis to that effect; and in cace ony personis ressist be force to mak oppin and patent durris to the said custumer for the effect foirsaid, the personis resistaris to be under the lyk danger as the committaris of the deforcementis, and to be punist in thair personis and guidis conforme to the act maid thairanent. Ordaning also the provest, ballies and magistratis of ilk burgh, gif neid beis, to concur and assist with the saidis custumaris in executioun heirof sua oft as thai salbe requirit thairto.

Anent the liberties of frie burrowis.

74. Oure Soverane Lord and his estaitis of parliament, for the gratiouis luif and favour quhilk his Majestie bearis to the burrowis of this realme, eftir his perfite aige of tuentie fyve yeiris compleit, ratifies and apprevis all and quhatsumevir actis, richtis, privileges, ordinances and constitutionis, maid of befoir be his Majestie and his maist noble progenitouris for mantenance of the liberties of frie burrowis, conforme to the saidis actis and constitutionis in all pointis; and foirmsamekle as be divers actis of parliament maid of befoir in the dayis of his mayst noble progenitouris it is statute and ordanit that na persoun within this realme suld exerce the traffique of merchandice bot the burgessis of frie burrowis, quhilkis have nocht bene nor yit ar observit be reasone that thair is na penaltie irrogat to the personis contravenaris thairof, thairfoir oure said Soverane Lord and haill estaitis of this present parliament confirmis, ratifies and apprevis the saidis actis, constitutionis, and every ane of thame, with this additoun that quhasoevir exerceissis the said traffique of merchandice, nocht being frie burges, thair haill guidis and geir soll becum in eschaet, the ane half to oure Soverane Lord and the uther half to the burgh quhais commissioner or collectour soll first apprehend the same; and to the effect that the saidis eschaet may be upliftit, his Majestie and estaitis foirmsaidis gevis and grantis full pouer and auctoritie to everie ane of the saidis frie burrowis, be thame selffis or thair commissioner and collectour, quhome thay soll have power to depute in that behalf, to serche and seik the

A.D. 1592.

guidis and geir of the saidis unfremen traffiqueris, to intromett thairwith as eschaet and to deliver the ane half thairof to his Hienes thesaurer and the uther half to the burgh quhairof he salbe appointit commissioner and collectour, quhether it be within this realme or in ony uther paire quhair the same may be challengit, and to arrest the saidis guidis, call, follow and persew thairfoir befoir unsuspect ballies or depuittis, quhorne thay salhave power to creat to that effect, and ordanis the ane half of the said eschaet to be intromettit with be the said commissioner or collectour as said is be applyit to the commoun weill of the said burgh quha sall first apprehend the saidis eschaet guidis, off the quhilk half of the said eschaet guidis thair salbe yeirlie compt maid as is appointit of the commoun gude of the burgh: provyding always that this present act be nocth prejudicall to noblemen, baronis or uther landit men to bring or caus bring or have merchandise to thair awin particular use and behuif, sua that thay sell nocth the same or mak merchandise thairof agane to oure Soverane Lordis leigis; quhairin incaice the saidis noblemen, baronis and utheris abone wruttin be found or apprehendit culpable they salbe repute, haldin and estemit as unfremen traffiqueris, and it salbe lesum to the saidis frie burrowis or thair commissioner and collectour foirsaid to intromett with thair haill guidis and geir as eschaet and dispone upoun the same as with the saidis unfremenis guidis in maner abone wruttin.

Anent the taxationoun of burrowis.

75. ITEM, seing the taxationoun and stentis upon the realme is multiplijt, quhairwith the burrowis ar verrie grytlie burdynnit, thairfoir it is statute and ordanit that all maner of personis inhabitantis of burrowis exercesand ony maner of traffique, merchandice, or having change within the same, sall beir thair pairt of all taxtis, stentis and taxationis, watching and warding in all dewties and services pertening to oure Soverane Lord, the weill of the realme and the utilitie of the burgh, and that without ony respect to be haid to ony privilege, discharge or executionis grantit be oure Soverane Lordis predecessouris, or be his Hienes selff, or to be grantit in tyme cuming be his Majestie or his successouris to quhatsumevir persoun or personis, of quhatsumevir qualitie or for quhatsumevir caus; and ordanis this to have executioun aganis all personis exerceand the traffique of

A.D. 1592. merchandise or uther change in ony of the burrowis of this realme, quhether thay be admittit frie burgessis thairin or noct; provyding alwayes that it salbe lesum to his Hienes, notwithstanding of the said act, to exeme from the saidis taxationis watching and warding ane persoun of ilk craft for his Hienes particular use and service incace his Majestie find it guid and expedient to be done; and siclyk that this act be nocth prejudiciale to the memberis of the College of Justice and to thair privilegis and immunitiess grantit unto thame or quhairof thai have bene in use in tymes bygane.

Aganis sic as exerceisis craftis in suburbis adjacent to burrowis.

76. ITEM, forsamekle as the exerceis of craftsmen in the suburbis of the frie burrowis is nocth onlie hurtfull to all oure Soverane Lordis liegis for the insufficiencie of the wark, bot als ministrattis greit occasioun to prenteissis and servandis in frie burrowis undewtfullie to leive thair maisteris and to remane and abyd in the said suburbis, thairby substracting thame selffis fra the jurisdictioun of the provest and ballies of the saidis burrowis, and als the frie craftsmen resident within the saidis burrowis ar gritlie dannifijt, seing thay beir ane greit pairt of the chargis of the burgh and the advantage of the wark that suld releif thame is drawin away to the saidis suburbis; thairfoir oure Soverane Lord and haill estaitis of this present parliament statutis, declaris and decernis that in all tyme cuming thair salbe na exerceis of craftis in the suburbis adjacent to the saidis burrowis, bot that the samyn sall ceis in all tymes heireftir, and that it salbe lesum to the provest and ballies of the saidis burrowis and thair depuittis and officiaris to intromett with all the warkis that salbe fund wrocht or in wirking, quhether the materiallis thairof appertene to the craftsman him selff or to quhatsumevir uther persoun, and to eschaet the samyn to be applyit to the commoun warkis of the burgh nixt adjacent to the saidis suburbis.

Concerning the streittis and passages off burrowis.

78. Oure Soverane Lord and the estaitis of parliament ratifies, apprevis and conformis the act of parliament maid be Quene Marie drowriar of this

realme, in the moneth of Junij 1555 yeiris, intitulat: Anent the commoun passages to burrowis<sup>1</sup>; be the quhilk it wes statute that all commoun hie gaittis that frie burrowis hes bene in use off proceeding ather for passage fra thair burgh or cuming thairto, and in speciall all commoun hie gaittis fra frie dryburrowis to the portis and heavynnis nixt adjacent or proceeding to thame, be observit and keptit and nane mak thame impidement or stop thairintill, and gif ony dois to be callit and accusit for oppressioun and punist thairfoir according to the lawis, as in the said act at mair lenth is contenit; quhilk act with the haill claussis and conditionis thairof his Majestie, with avise foirsaid, willis that the samyn salbe haldin as expressit thairin and to be put to dew executioun in all tyme heireftir, with thir additionis following: That forsamekle as it is sufficientlie understand be his Majestie that dyvers malicious personis, upoun deliberat malice, stoppis and impeidis publit passages pertening to the frie burrowis within this realme, namelie to the [sey] portis quhilkis hes grytest occasioun of traffique, be casting of fowseis and bigging of dykis for interclosing of the saidis commoun passages, and will nocht suffer the inhabitantis of the saidis burrowis and utheris his Hienes leigis and trafficqueris towardis the saidis sey portis to have or frequent the accustumat passage usit of befoir in transporting of victuallis, fewalis, viveris, merchandise, and utheris for interteynement of the commoun negotiatioun of the cuntrie, bot compellis thame to pas ane myle or tua about, to the greit hurt and prejudice of the saidis leigis; heirfoir his Majestie, with avise foirsaid, in corroboratioun of the said former act and to the effect that the samyn may be put to full executioun in tyme cuming statutis and ordanis that nane presum or tak upoun hand heireftir to stop or impeid the saidis publit and commoun passageis pertening to the saidis frie burrowis, and namelie to the saidis sey portis, and gif ony salhappin to do in the contrair the parties grevit salhave thair recourse to the lordis of counsaill and sessioun quha sall grant summer lettrez in thair favouris, upoun sex dayis warning allanerlie, to caus and compell the committaris of the said oppressioun to decist and ceis thairfra and to heir and sie thame selffis decernit to have done wrang in stopping of the saidis passagis and to find cautiou actit in the saidis lordis buikis, under sic panis as salbe modifiet unto thame nevir to commit the lyk wrang be thame selffis, thair men tennentis or servandis, and

<sup>1</sup> *Antea*, p. 80.

A.D. 1592. utheris quhome they may lett, the ane half of the said penaltie to appertene to his Hienes and the uther half to the partie grevit; and the probatioun of the said wrang in stopping of the saidis passageis to be ressavit be famous witnessis allanerlie and nocht be ane assyis, and the tryall thairof to appertene to the saidis lordis of counsaill, and all utheris inferiour juges to be discharget fra proceeding in the saidis caassis nochtwithstanding ony quhatsumevir statute or constitutioun maid anent molestationis in propirtie or commontie, in nowmer quhairof his Hienes will nawayis that the saidis oppressionis and staying of the publitt passages salbe comprehéndit; and ordanis publicatioun to be maid heirof in forme as effeiris.

Ratificatioun of the liberties and privileges of burrowis.

21st July 1593. 33. Oure Soverane Lord and estaitis of this present parliament ratifies, apprevis and confermis all and sindrie constitutionis and actis of parliament maid of befoir be oure said Soverane Lord and his predecessouris and estaitis in parliament anent the privilegeis, liberties, immunitiis, fredomes, giftes, infectementis of annuellis, landis and utheris commodities quhatsumevir, maid, gevin and grantit be oure said Soverane Lord, or his maist noble progenitouris in ony tymes bygane, to or in favouris of burrowis and communities thairof; as also of all uther landis, annuelrentis and commodities foundit to the sustentatioun of the ministrie and hospitalitie within the same, and that this present act be of als sufficient force and strenth in all respectis to the saidis burrowis and everie ane thairof, the communities and inhabitantis of the samyn and thair successouris, as gif the saidis privilegis, infectementis, fundatiounis and utheris abonewrittin wer in thir presentis speciallie expressit.

Act for the better executioun of decreittis and actis in burrowis.

34. ITEM, becaus thair is na executioun on burrow actis but onlie warding and poynding, quhilk is nocht onlie a greit truble to the magistratis bot hurt and defraud to the pairtie, in respect sindrie absensis thair geir, uther respectis nocht warding, and that the suting of lettres conforme is baith sumpteous to the persewar and hindersum, the decreittis being gevin oftymes for small sowmes, thairfoir oure said Soverane Lord, with consent

of the estaitis, decernis that the lordis of counsaill and sessioun shall direct lettres of horning on all decreittis and actis gevin be provest and ballies of burrowis *inter concives* and all utheris subject unto thair jurisdicition, upoun the sicht thairof and executioun of the officiar chairgeing the pairtie to mak payment within xv dayes, lyk as is grantit upoun commissionaris preceptis, and that the saidis lettres of horning proceid upoun ane sempill charge of ten dayes allanerlie.

Act concerning the deane of gildis jurisdicition in burrowis.

38. Forsamekle as oure Soverane Lord and estaitis of this present parliament having considerit how necessar and expedient it is that the power and jurisdicition of the deane of gild and [his] counsaill within burgh be approvit and allowit, as it is now usit in the toun of Edinburgh, quhilk is to the greit furtherance of justice to our Soverane Lordis leigis in all materris and actionis concerning merchandis, betuix merchand and merchand and betuix merchand and mariner, quhilkis actionis aucht nocht nor suld nocht byd delay bot be exped and decernit be the deane of gild and his counsaill summarlie, as men chosin and appointit yeirlie be the counsaill of the burgh maist apt and able to juge and decerne in all actionis concerning merchandis as said is, quhairfoir our said Soverane Lord, with advise of the estaitis in this present parliament, ratifies and conformis the jugement of the said deane of gild and his counsaill in all actionis concerning merchandis, as the same is sett doun be the provest, ballies, counsaill and deconis of the burgh of Edinburgh, and to have full strenth and effect in all tymes, according to the lovable forme of jugement usit in all the guid townis of France and Flanderis quhair burses ar erected and constitute, and speciallie in Paris, Rowen, Burdeaulx, Rochell, and the particuler forme thairof to be sett doun agane in this present parliament.

Anent the commun gude of burrowis.

39. Our Soverane Lord, understanding dyvers of the maist ancient burrowis within this realme to be greitlie decayit be want of traffique, and sic uther helpis quhairby thay wer mentenit of befoir, having small commoun guid and patrimonie not able to interteney the publick occasioun of his Hienes

A.D. 1593. service in parliamentis, conventionis of burrowis, and utheris necessr adois and assemblies intervening for the publict estait of the realme, far les to interteny the quiet and gude estait of the saidis burrowis in peace and weir, and nevirtheles be procurement of particuler personis affecting thair privat commoditie, and nawis respecting the weill publict, the small patrimonie appertening to the burrowis hes bene convertit and desyrit to be convertit to particuler uses to the quhilkis the same wes nevir convertit of befoir, makand thairby the inhabitantis of the saidis burrowis (quha ar becum alreddie depauperat) to be unnable ather for his Hienes service, or to sustene the estait of the burgh, and that under pretext of certane pretendit commissionis purchest fra his Hienes, with decreittis, sentencis and ordinances interponit thairto: For remeid quhairof his Hienes, with advise and consent of the estaitis of this present parliament, hes decernit, concludit and ordanit, and be thir presentis decernis, concludis and ordanis that the commoun guid and patrimonie of [all burrowis within this realme] salbe yeirlie bestowit at the sicht of the magistratis and counsell of the saidis burrowis to the doing of the commoun effayres thairof allanerlie, efter the yeirlie rowping and setting thairof as use is, conforme to his Majesties former actis and statutis maid anent the employing of the commoun guid within the saidis burrowis; and that the samen be na utherwayis bestowit or convertit to quhatsumeuir use or alteratioun maid thairanent in haill or in part, nochwithstanding of quhatsumeuir commissioun, charge or directioun gevin be his Majestie at ony tyme heirtooir be procurement of particuler parties in the contrair, and notwithstanding quhatsumevir statute, ordinance or decreeit following or proceeding thairupon. Quhilkis commissionis, chargis, decreittis and ordinances, with all that has followit or may follow thairupon, his Maiestie, with avise foirsaid, expresslie reducis, retreittis and rescindis be thir presentis. And ordanis publicatioun to be maid heirupon to all and sindrie his Hienes leigis that name of tham pretend ignorance, in forme as effeiris.

Anent the privilegis of burrowis.

8th June 1594. 35. Oure Soverane Lord, with avise of his estaitis in this present parliament, ratifies, apprevis and conformis the act and statute maid in his Hienes parliament haldin at Edinburgh upoun the fift day of Junij, the

A.D. 1594.

yeir of God j<sup>m</sup> v<sup>e</sup> fourscoir tuelf yeiris, in favouris of the frie burrowis of this realme and thair liberties and privilegeis aganis unfrie traffickeris, and anent using of craftis in all the suburbis of the saidis burowis, speciallie bering that all maner of personis inhabitantis of the saidis burowis, exerceand ony maner of traffique in merchandise, or having exchange within the same, sall beir thair pairt of all stentis and taxationis, watching and warding, in all dewties and suites pertaining to oure Soverane Lord, the weill of the realme and utiltie of the burgh, as at lenth is contenit in the said act, and all claussis and condicionis thairin contenit, with this additioun that the samyn salbe extendit to all merchandis or craftismen, alsweill frie as unfrie, that hes na uther duelling place bot within burgh and hes thair commoditie within the same burgh and beris na burding of taxatioun without the same burgh.

Anent the upholding of decayed landis within burgh.

36. Oure Soverane Lord, with avise of his estaitis in this present parliament, ratifies and apprevis the actis and statutis maid be his Hienes maist noble progenitouris, of worthie memorie, concerning the upholding of landis gevin in conjunct infeftment, alsweill to burgh as land, and for the better executioun thairof and reparatioun of the decayed policie within burgh, statutis and ordanis that the provest and baillies of ilk burgh sall, at the instance of the heretouris of the landis within the same, upoun citatioun of pairtie, tak summar cognitioun of the estait of the landis, houssis or tenementis within the burgh, be ane condigne inquest of the nichtbouris thairof, and gif the samyn be found auld, decayed and ruinous in ruif, sklattis, durris, windois, fluringis, loftis, tymer wark and wallis, or ony of thame, and ane [land] biggit of auld and throw lang tyme decayed in sic sort that it be alreddie inhabitable or that within schort tyme may becum inhabitable, in that case to decern that the conjunctfear or lyfrenter sall repair the saidis landis and tenementis in the partis thairof decayed, as salbe fund be the said inquest, within the space of yeir and day nixt eftir thair be requirit thairto be the heretouris, and falzeing thairoff declaris that it salbe frie to the saidis heretouris to enter to the possessioun of the same, to have the setting, rasing, using and disponing thairupoun in all tymes cuming as gif thair wer na lyfrent or conjunctfie

A.D. 1594. standing thairof, provyding alwyes that sufficient securitie [in the burgh] quhair the landis or tenementis lyis be tane for termelie payment to the conjunctfearis or lyfrentaris thairof, induring thair lyftyme, of sic maill and dewtie as the same presentlie gevis the tyme of the said cognitioun or micht resonable gif in that estait inace it be nocht presentlie sett, deduceand alwayes the annuellis and uther burding lyand thairupoun; and this to be extendit to all brunt and waist landis and aganis all conjunctfearis present and to cum within burgh.

Provisionis in favouris of burghis erectit sen the act of annexatioun.

97. Oure Soverane Lord and estaitis of this present parliament findis and declairis that, albeit all erectionis maid or erectit sen the act of annexatioun (except samonie as ar speciallie exceptit in the said act) ar decernit and declairit in this present parliament to be null and of nane availl, yit the same salbe nawayes prejudicall or hurtfull to sic burghes as ar erectit be his Hienes in frie burghes sen the said act, and hes bene in use to pay custume to his Hienes, and in making of thair comptes in checker, bot they sall stand erectit with all privileges, immunitiis and liberties grantit be his Hienes unto thame; providing alwayes that thir presentis prejuge not ony particular parties richtis anent the rycht or superioritie of thair few landis haldin be thame of befoir of the kirk, and in speciall Alexander Gaw in Maw and sic utheris as may be interest be the erection of the burgh of Culros in ane frie burgh, quhais richtis oure Soverane Lord and estaitis foirsaidis declairis to stand in thair full authoritie notwithstanding the saidis erectionis quhill the same be discussit be the juge ordiner as accordis of the law.

Anent the bigging of burrowes townes in the Iles and Hielandis.

16th Decem-  
ber 1597. 34. Oure Soverane Lord [with advise] of the estaitis of this present parliament, for the bettir intertwing and continuing [of] civiltie and polecie within the Hielandis and Iles, hes statut and ordanit that thair be erectit and buildit within the boundis thairof thre brugheis and burrow tounes in the maist convenient and commodius pairtis meit for the samyn, to wit, ane in Kintyre, ane uthair in Lochaber, and the thrid in the Lewis, to the quhilk brughtis and inhabitantis thairof oure Soverane Lord and

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estaittis foirsaidis soll grant, and be thir presentis grantis, all privelegeis quhilkis his Hienes or predicessouris hes grantit to onie uthair brughtis or inhabitantis thairof within this realme; and that it salbe lesum to oure Soverane Lord, be the advise of the lordis of his Maiesties cheker, to gif, grant and dispone to everie ane of the saidis brughtis samekill land and grund furthe of his Hienes annexit propertie as may serve to beig the saidis tounis upoun the samyn with samekill land and fischeingis nixt adjacent thairof in commoun gude, to everie ane of the saidis thre tounes, as may sustene the commoun chairgeis thairof, to be haldin in frie burgage of his Hienes in sic forme and maner as his Maiestis maist nobill progenitouris, of worthie memorie, hes grantit of auld to the erectioun of uthair brughtis of this realme.

Prisoun houses suld be bigged within all burroues.

44. Oure Soverane Lord and estaittis of this present parliament, understanding that throw want of sufficient and sure prisons, jailles and ward houssis, sindrie rebellis and transgressouris of the lawis, als weill criminall as civil, eschaipis unpunischt and justice contempnit, for remeid quhairof oure Soverane Lord and estaitis hes statut and ordanit that, within the space of thre yeiris, in all brughis within this realme thair be sufficient and sure jailles and ward houssis begged, uphaldin and mantenit be the proveist, baillies, counsall and communities of the saidis burrouis, upoun thair awin commoun gude, or uthairwyis upoun the chairgeis of the brught, and that for sure [imprisoning] warding and detening and als keping of all sic personis transgressouris of his Hienes lauis, upoun thair awin expenssis, alsweill criminall as civil [as] salbe presentit unto thame be the shereff of the schyre to steuartis and baillies of regaliteis within the quhilk the saidis brughes ar situat, and speciallie quhair thair judicatorie sittis, and alsua all uthairis personis presentit athair to waird be vertew of thair awin authoritie within brugheis or uthairwyis upoun letteris of captioun direct to thame.

Of personis duelland within brught subject to the help of the pure to waching and warding.

46. Forsamekill as thair is divers inhabitantis that duellis and remanis within the frie burrowis with thair famelies and ar of resonabill substance,

A.D. 1597. as alsua hes rentes and levingis within the samin brught, yit refusis to contribute for the intertenement of the pure, waching and warding within brught, with the rest of the nichtbouris, or to beir thair pairt of sic uthair deuties as concernis his Majesties service, thairby leving at libertie nathair knawing the magistratis in kirk nor polecie, to the greit hinderance of his Majesties service and the haill realme; for remeid quhairof it is statut and ordanit be oure Soverane Lord and thre estaitis of this present parliament that all sic that hes thair residence and duelling within the said burrouis be thair famelies, and may spend ane hundrethe pundis of yeirlie rent within the samin, or stented be the discreet nyghtbouris to be wortht tua thousand markis in frie gudis, salbe subject to be burdenit with the rest of the inhabitantis, for the advancement of the glorie of God and his Majesties service and weill of the brught quhair thai duell; providing that this act be not extendit to sic as ar exempt for his Maiesties service as ane of ilk occupatioun for that caus, nathair to onie persounis that ar memberis of the college of justice and admittit be the lordis of sessioun.

All burgesses suld be taxt and stentit be thair magistrates according to the rentis within burght.

47. Oure Soverane Lord and thre estaitis of this present parliament, understanding that at sic tymes as taxationis and stentis occurris within this land that the proveist and baileis of burrouis, and sic as thai appoint steuartis within the samin, without all gude ordour and discretioun stentis sinderie of the burgessis inhabitantis of the burrouis quha hes thair speciall rentis and levingis to landwart outwith brught according to thair habilitie, alsweill to landwart as to brught, albeit ressoun and equitie wald crave that thai suld be onlie stentit according to thair rentis and halding within brught, becaus thair rentis and leving lyand to landwart ar stentit with the barronis, gentilmen and frehalderis within the schyres quhair thay ly, it is thairfoir statut and ordaind that in all tyme cuming it sall not be lesun to the proveist and baileis of brughes, nor na stentaris within the same, to stent onie personis thairin according to thair levingis and rentis lyand outwith brught [bot onlie according to thair rentis and halding within burgh] as thai do with uthair personis of thair rank and substance that hes na rent nor leving outwith brught and na uthairwyis.

## Act in favouris of the burrowis regall.

15. Oure Soverane Lord and estaittis of parliament ratefeis, apprevis 11th July 1606 and confermes all actis of parliament and lawes, with all fredomes, privileges, immuniteis and liberteis grantit to the burghis regall within this realme be oure Soverane Lord or ony of his Hienes predecessouris at ony tyme of befoir, and decernis and declaris the saidis burrowis and everie ane of thame to have gude richt to bruik thair saidis privileges and liberteis as they wer wount to do of befoir.

## Act for staying of all unlauchfull conventionis within burgh and for assisting of the magistrattis in the executioun of thair offices.

16. Oure Soverane Lord and estaittis of this present parliament ratefeis and appreves all and quhatsumevir actis, maid heirtofair be his Maiestie and his Hienes progenitouris and the estaittis of the realme, for staying of all tumultis and unlauchfull meitingis and convocationis within burght, and ordanis the samin to have effect and to be put to dew executioun aganis the contravenaris thairof in all pointis; with this additioun that na persone nor persones within burgh of quhatsumevir rank, qualitie or conditioun they be of, presume or tak upoun hand fra this furth, under quhatsumevir collour or pretext, to convocat or assemble thame selffis togidder at ony occasioun except they mak dew intimatioun of the lauchfull caussis of thair meittingis to the provest and baileis of that burght and obtene thair licence thairto, sua that nathing be done or attemptit be thame in thair saidis meitingis quhilkis may tend to the derogatioun or violatioun of the actis of parliament, lawis and constitutionis maid for the weill and quietnes of the saidis burghis; declaring be thir presentis the saidis unlauchfull meittingis and the persones present thairat to be factious and seditious and all proceedingis thairin to be null and of nane avail, and the saidis persones to be punischit in thair bodeis, gudis and geir, with all rigour, conforme to the lawes of this realme; and to the effect the saidis unlauchfull meitingis, with all utheris tumultis, trublances and pleyis that salhappin to fall out within the saidis burrowes, may be substantiouslie suppressit, ordanis the haill inhabitantis of the saidis burrowes at all occasiounes to reddelie assist and concur with the magistrattis and officiaris thairof for satling of the saidis tumultis and trublances

A.D. 1606. and punischeing of the authoris and movearis thairof and sic as sall nocht assist and concur with the saidis magistratis redelie, or thair officiaris, for redding and satling of the saidis tumultis and trublances as said is, sall be repute and haldin as fosteraris and mantenaris of the saidis tumultis and punischit thairfoir in thair personnes and unlawit in thair guidis at the arbitrimint of the magistrattis and counsall of the said burgh; and ordanis publicatioun to be maid heirof at the mercat croces of the saidis burrowes that name pretend ignorance thairof.

Ratificatioun of the Act anent conduceing of craftsmen.

11th August  
1607.

8. Oure Soverane Lord and estaittis of this present parliament ratefeis, apprevis and confermis the act of parliament maid be King James the Fift, of worthie memorie, intitulat act anent conduceing of craftsmen,<sup>1</sup> quhilk is the hundredth and elevint act, in the haill pointis, articlis and claussis thairof, and ordanis the samin to have effect and to be put to executioun in tyme cumming eftir the tennour thairof, notwithstanding quhatsumevir act or statute maid in the contrair.

Act in favouris of the burrowis regall.

12. Oure Soverane Lord and estaittis of this present parliament ratefeis, apprevis and confermis all and quhatsumevir actis of parliament and lawes maid in favouris of the frie burrowis of this realme at ony tyme of befoir, with all antient liberteis, privileges and immuniteis grantit to thame be oure said Soverane Lord or be ony of his Hienes predecessouris.

Act in favouris of the frie burrowis regall aganis unfremen.

13. Oure Soverane Lord and estaittis of this present parliament ratefeis, apprevis and confermis all actis, lawes, decreittis and privileges grantit or gevin in favouris of his Hienes frie royall burrowes; and considering the great hurte and skaith daylie sustenit be the burgessis inhabitantis of his Majesties royall burrowes wha underlyis and beiris all burdingis imposit upon the estaitt of burrowes in all his Majesties services, throw the continuall incresece of unfrie traffiquerris duelland in divers pairtis of this realme, nocht being burgessis of the saidis royall burrowes, and nevirtheles

<sup>1</sup> *Antea*, pp. 70-1, c. 30.

keip and haldis oppin bathis, buyis and sellis merchandice and utherwayes uses the liberteis and privileges of frie burgessis as gif they wer burgessis and actuall residentis within the saidis royall burrowes, in manifest defraude of oure Soverane Lordis customes and to the prejudice of the liberteis of the saidis frie royall burrowes, and thairfoir statutis and ordinis that all unfrie persones nocth beand actuall burgessis of the saidis frie royall burrowes wha beiris nocth burding and payes nocth taxt and stent to his Majestie sall desist and ceis fra useing of ony trade of merchandice or of the liberteis and privileges foirsaidis of the saidis frie royall burrowes, under the panis contenit in the actis of parliament maid anent unfrie traffiqueris of befoir; and that lettres of horning be direct heirupoun chargeing whatsumevir unfremen and usurperis of the privileges of the saidis burrowes to find sufficient cautioun for obedience of this act; and also that lettres of horning be direct upoun all actis and decreeitis of burrowis gevin at thair conventionis betwix burgh and burgh and burgessis of frie burrowes upoun ane simple charge of ten dayes without calling of partie.

Act of the apparels of judges, magistrattis and kirkmen.

15. Oure Soverane Lord and estaitis of this present parliament, finding by daylie experiences that the greatnes of his Majesties empyre, magnificence of his courte, fame of his wisdome and justice, and of the civilite of his subjectis, hes begun alreadie to allure divers forane princes and utheris strangeris of all estaitis to mak mair frequent repair to this countrey nor evir they did in ony preceding age, whilk resorte of strangeris will by all apperance baith continew and daylie mair and mair increse and by them na doubt reporte will go throwch all the warl of the estait and governement of the kingdome according to the ordour whilk they sall sie observed within the samyn, whereof the rulis and good example flowing frome the estaitis of parliament and magistratis to the haill remanent subjectis of the realme, it is maist necessar that sic gravitie and comelenes be used by the lordis and commissionaris of parliament and otheris magistratis in thair apparell and behaviour as may best deserve the gude reporte and trew commendatioun of all princes, nobill men and otheris strangeris quha sall have occasioun to sie and relate the samin, the respect whereof having inducit his Majestie to prescryve to the nobilitie apparrell for the parlia-

24th June  
1609.

A.D. 1609. ment becoming thair honorable estate; and understanding that the remanent memberis of that heich courte have nocht reformed them selffis to the lyk conveniencie, neather yit that the course intended by his Majestie for dischargeing nobilmen and gentilmen to be electit provestis and magistratis of burrowes (whereof nane could be capable bot burgessis, actuall traffikeres and inhabitantis of the saidis burrowes) hes tane sic effect as is maist necessar for preservatioun of the liberteis and good estait of the saidis burrowes and hindering the dissipatioun of there commoun good and perverting of thair privileges; for remede wheirof his Majestie, with advyse of the estaitis of his heighnes parliament, statutis and ordinis that na man sall in ony tyme commyng be capable of provestrie or magistracie within ony burgh of this realme nor to be electit to ony of the saidis officis within a burgh bot mercheandis and actuall traffikeres inhabiting within the saidis burghis alanelie and na otheris, and that the saidis magistrattis of burrowes to be heireftir elected and thair commissionaris of parliament shall have and wear at parliamentis, conventionis and other solemne tymes and metingis, when the dignitie shall require it, sic comelie and decent apparrell as his Majestie shall prescryve convenient for thair rank and estait, whereby they may be decerned frome other commoun burgessis and be mair reverenced be the people subject to thair charge; and becaus a comelie decent and ordourlie habite and apparrell in the judges of the land is nocht onlie ane ornament to them selffis (being a badge and mark for distinguisheing them frome the vulgar sorte) bot the samin alsua breidis in commoun people that reverence and regaird that is dew and propir for men in these places, and this being a custome universalie observed almaist throw all Europe, the want wheirof is greate censured by strangeris resorting in these places, the saidis estaitis thairfoir, upoun infinite proves they have of his Majestieis maist singular wisdome in all his directionis and of his gratiouis love and affectioun to this his native kingdome, have in all humilitie referrit to his heighnes awin appointment the assigning of ony sic severall sorte of habite and vestiment as sall be in his Majestieis judgement maist meit and propir, alsweill for the lordis of sessioun being the supreme judges in civil actionis as for all otheris inferiour judges of the lyk caussis, as alsua for the criminall and ecclesiastical judges and for advocattis, laweris and all otheris living by law and pratique thairof, that sa everie ane of these people may be knawin and

A.D. 1609.

dignosced in thair place, calling and functioun, and may be accordinglie regarded and respectit; attoure his Majestie and estaitis foirsaidis, considering what slander and contempt hes arissin to the ecclesiasticall estait of this kingdome by the occasioun of the licht and undecent apparrell used by some of that professioun, and cheiffie these haveing voit in parliament, it is therefoir statute that everie preacheour of Goddis word shall heireftir wear blak, grave and comelie apparrell besemynge men of their estait and conditioun; as lykwayes that all priouris, abbottis and prelattis haveing voit in parliament, and specialie bischoppis, shall weare grave and decent apparrell agreable to thair functioun and as appertenis men of thair rank, dignitie and place; and becaus the haill estaitis humelie and thankfullie acknawleges that God of his great mercie hes maid the people and subjectis of this countrey sa happie as to have a King regne over us wha is maist godlie, wyse and religious, haiteing all erronious and vane superstition, just of governament and of lang experience thairin, knawing better then ony king leving what appertenis and is convenient for every estait in thair behaviour and duetie, theirfoir it is aggred and consentit by the said estaitis that what ordour sa evir his Majestie in his great wisdome shall think meit to prescryve for the apparrell of kirkmen agreable to thair estait and moyen, the samin being sent in wrytt by his Majestie to his Clerk of Register, shall be a sufficient warrand to him for inserting thairof in the buikis of parliament, to have the strentch and effect of ane act thairof, with executorialis of horning to be direct thairupon aganis sic personnes as within the space of fourtie dayes eftir the publication and intimatioun to thame of the said act, or charges used aganis them thairupoun, shall nocth provyde them selffis of the apparrell to be appointit by his Majestie for men of their vocatioun and estait, to be used and worne by them and thair successouris at the tymes and in maner to be expressed in the said act to be maid by his highnes thereanent.

General ratificatioun of the burrowis liberties.

47. Oure Soverane Lord and estaitis of this present parliament ratifeis and approvis of new all actis and constitutiounes of parliament maid be quhatsomevir oure Soverane Lordis predecessoures of befoir in favouris of the burrowis, burgessis of this realme of Scotland, inhabitantis of all the

23rd October  
1612.

A.D. 1612. burrowis of the same, with all privileges, fredomes, immuniteis and liberties grantit and gevin to thame and everye ane of thame, and decernis and declaris the samyn to have full strenth, force and effect in all tymes heirefter, swa that the samyn may be put to full and dew executioun in all pointis, and to stand as ane perpetuall law to thame and thair successouris, ordaning the Clerk of Register and his deputis to extend ane act of parliament heirupoun in dew and competent forme.

Act anent the setling of measures and weghts.

19th February 1618. Forsomuch as in our Soverane Lords laite parliament holden at Edinburgh, the xxvij day of June last bypast, his Highnes and estates conveined therein, mooved by the generall complaint of all his loving subjects and in respect of their sensible prejudice seene and felt through many parts of this Kingdome, by reason of the diversitie of measures and weghts used within the same, therefore our said Soveraine Lord, with advise of his saids estates, for removing of all abuses which may ensue in any tyme to come thereby, hath found expedient and by decreet and statute of the said parliament, decerned, statut and ordeined that there shall bee but one just measure and weght through all the partes of this kingdome which shall universallie serve all his Highnes leiges, by the which they shall buy, sell, receive and give out in all tyme to come; which measure his Majestie, with advise foresaid, fand should be that measure of Linlithgo which is now commonlie used and which hath beine used most customable through the greatest part of this kingdome these fiftie or thriescore yeeres bypast; and for setling of a perfyte order whereby all the measures that are now used may be reduced to the conformitie of the said measure now authorized, and for making of proportioun answerable betwix the lesser measurs and weghts and the greatest, his Majestie, with advise foresaid, granted full power and commission to Sir James Weemes of Bogie, knight, Sir George Auchinlek of Balmanno, knight, Sir James Fowles of Colingtoun, knight, Sir Robert Stewart of Shillinglaw, knight, Sir Jhone Waws of Barnbarro, knight, Sir William Greirson of Lag, knight, and to James Nisbet, bailyie and burges of Edinburgh, Mr Alexander Wedderburne, clerk of Dondie, Sir Thomas Menzeis, provest of Aberdeine, James Hamilton, provest of Glasgow, John Oisburne, burges of Aire, and Sir George Bruce of Carnok.

A.D. 1618.

knight, burges of Culros, whome, or any eight of them, his Majestie, with advyse foresaid, ordeined to meet and conveine together, at such tyme and place as they should think expedient, and to consult and advyse together and to appoint and determine upon the most convenient meanes how the saidis measures and weghts might bee reduced to the conformitie foresaid, as in the said laite act of parliament at more length is conteined.

[Here follows the ordinance of the commissioners giving details as to measures and weights. To Linlithgow, as "of old," was given the custody of the firlot; the stone weight to the burgh of Lanark; the ell to the burgh of Edinburgh and the pint stoup to the burgh of Stirling.]

Anent packeing and peeling.

12. Forasmuche as by dyvers actis of parliament it is statute and ordanit that no persone use paking nor peeling of woll, hyiddis nor skynnes, loss nor layde outwithe free borrowes and priviledges of the same, notwithstanding quhairoff dyvers strangeris and utheris inhabitantis within this realme do continewallie resorte to the Yles and uther places thairabout, with thair schippes, barkis and clearis and utheris veschellis, and do not onlie pack and peell skynnes and hyiddis but also do transport from thence butter, talloun and uther forbiddin guidis, to the gryit contempt off the saidis lawes, in manifest defraud of oure Soverane Lord his customes. For remeid quhairoff oure Soverane Lord, with advise and consent of the estaitis of the present parliament, statutes and ordanis that no strangeris nor inhabitantis within this realme tak upoun hand to pak or peell anye hyiddis or skynnes in the saidis places off the Yles outwithe the free borrowes, nor that thai transport, tak away or carye furthe off this cuntry anye butter, talloun or uther fairbiddin guidis, under payne of tynsell and confiscaition of the hyddes and skynnes so packed and peeled by thame, and of tynsell and confiscaition of the schipe and whole guidis that the awner of the saidis fairbiddin guidis hath within the same, and ordanis the schirreffis of the schyres and thair deputties and overlordis off the landis where the saidis skynnes and hyiddis ar packit and peeled, or from whence the saidis forbidden guidis ar transported, to put this present act to executioun as they will answer unto his Maiestie upoun ther office and obedience.

4th August  
1621.

## Anent mettis and measures.

A.D. 1621.

16. Oure Soverane Lord and estaittis of parliament, considering that by the act of parliament haldin in Junij 1617 thair wes a commissioune grantit unto certane persounes thairin nominat for appoynting and establischeing a constant mett and measour for bying and selling off victuell within this realme, whiche commissioneris gave out thair sentence and determinatioun declairing the measour and firlofe of Linlithgow to be the just and onlie firlofe quhilk suld be used by all his Majesties liegis in buying and selling of victuell, nochtwithstanding quhairoff thair ar manye and gryit abuses committit in this kingdome contrarie to the said act and determinatioun of the saidis commissioneris, to the prejudice of his Majesties liegis; for remeid quhairoff his Maiestie and estaittis foirsaidis hes ratiefied and approved and be the tennour heiroff ratifies, approvis and confermis the act and statute respective abonewritten in the haill heiddis and conditiounes of the same, efter the forme and tennour thairoff, and commandis and chairgis all his Maiesties liegis and subjectis to acknawledge, embrace, obey and observe the same act and statute respective in the haill heiddis and conditiounes of the same in forme and maner speciallie and particuarlie mentionat and sett doun thairintill, efter the formes and tennoures thairoff, under all hiest payne, charge and offence whiche they may incur throw thair dissobedience and as they will be anserable thairanent.

ADDITIONAL STATUTES OF JAMES THE SIXTH.<sup>1</sup>

Ane act concerning recognition of landis within Burgh, remittit to the Lordis appointit for viseing the lawes.

25th July  
1578.

33. Forsamekill as the proces of recognitioun of landis and tenementis within burgh for non payment of annuelrentis hes bene usit in all tymes bigane in our Soverane Lordis burrowis, efter the forme and tennour of the law of the Majestie and act of parliament maid in the dayis of King James the Feird,<sup>2</sup> and speciallie be having recurs to the landis and tene-

<sup>1</sup> These acts were inadvertently omitted in their chronological order.

<sup>2</sup> Ancient Laws and Customs (Fragmenta Collecta, c. 14), pp. 167-8; Acts of Parliament 1489, c. 21), Vol. II., p. 222. The form of pro-

cedure previous to 1489 is shown in the Decree, 1477-9, printed in Glasgow Charters, Vol. I., pt. ii., pp. 66-71. See also pt. i., pp. 37-8.

The statute of 1489, passed at a parliament of James IV. held at Edinburgh on 3rd February

mentis addettit in the saidis annuallis, be proces of erde and stane, in four heid courts, as is prescrivit be the form of law, without ony speciall summoundis or warning to quhatsumevir persone of quhatsumevir age or qualitie, being outwith or within the realme, quhilk forme of proces wes neveir heирto befoir impugnit in jugement or utherwayis quhill now laitlie that the lordis of sessioun, at the instance of Johnne Gilbert, goldsmyth, burges of Edinburgh, haif foundit ane relevant caus of reductioun of ane proces of recognitioun of ane tenement lyand within the said burgh of Edinburgh, led at the instance of James Fentoun for non payment of ane annuelrent of xxx s., quhilk proces was led abone the space of fyftie yeiris syne, and that becaus the said Johnne Gilbert being allegit minor and furth of the realme wes not speciallie warnit thairto personallie or at his dwelling place, the samin being on nawayes requisit of the law and forme of proces observit in sic caassis. And the samin standing in sic difference may bring with it ane grite alteratioun of the heretabill richt of the maist pairte of all the tenementis within the burrowis quhilk hes bene recognoscit be the samin maner of proces and als sensyne changit throw mony handis. In respect of the quhilkis it wes desirit that the estaitis of this present parliament suld considder the said law of the Majestie and act of parliament, and to declair quhidder in the said proces of recognitioun and dome of propertie thair aucht ony pairtie in speciall be summond, and thairupoun to gif thair declaratioun in parliament in forme as effeiris, as at mair lenth is contenit in the said article. The Kingis grace and thrie estaitis of this present parliament hes remittit and remittis this mater to the Lordis appointit for veseing of the lawes, and in the meantyme dischargis the saidis lordis of counsall and sessioun of all forder proceeding thairin, and that becaus it is understand to the saidis estaitis that this mater may

1489-90 "anent the proces of the recovering of annuale rentis in burrowis," is as follows:—  
 "It is thocht expedient to the lordis of the articlis and estatis, after the informacioun and supplicacioun maid be the provest, bailyis, consale and communitie of Perth, desyng of our Soverane Lord that the constitucioun and reule in the said burgh be conformit to the Kingis lawis and consuetude of the burgh of Edinburghe and law of burghes anent the recuperacioun and optening of annuale rentis in burghes,

in falt of solutioun and payment of the annualis to the lardis, awnaris and proprietaris of the said annuale, it is thocht expedient that the proces of the recovering of the said annuale at the ferd court be observit and kepe in the burgh of Perth and utheris burrowis in tyme tocum as it is usit in the burgh of Edinburghe, according to the law of burghes, nochtwithstanding ony uthir use or consuetude that thai haf haid in the said burghes of lang proces and delay in tymes bipast."

A.D. 1578. ingenner grete inconvenientis to the burrowis upoun thair infectment proceeding upoun recognioun and dome led thairupoun acording to the auld lawes, be the space of ane hundreth yeiris bipast.

Ratificatioun of the libertie of burrowis in generall.

22nd August 1584. 14. Oure Soverane Lord, with advise of his thrie estatis convenit in this present parliament, ratifeis, apprevis, and for his Hienes and his successsouris perpetuallie confermis the liberties and privilegis grantit be his Hienes and his maist noble progenitouris to the estait of burrowis, and ordinis thame to have full force and effect in all behalffis, efter the forme and tennour thairof.

# ACTA PARLIAMENTORUM CAROLI PRIMI.

## PARLIAMENTS HELD AT EDINBURGH.

### Ratificatioun of the priveledges of the frie royll burrowes.

24. Oure Soverane Lord and estaits of this present parliament have ratifieth and approved and by the tenour heirof ratifie and approve of new all actes and constitutiones of parliament maid by his Majesties predecessors in favour of the frie borrowes of this realme and burgessis and inhabitans within the same, with all priveledges, friedomes, liberties and immunitiess grantit and givin to the whole borrowes in generall in any time bypast by any of oure Soverane Lord his Majesties noble progenitors, with all that haith followed or may follow thairupon, and decerns and declaires the same to have full strenth, force and effect in all tymes heireftir, soe that the same may be putt to full and dew executioun in all pointes, and speciallie without prejudice to the generalitie abonewrittine his Majestie and estates ratifie the act of parliament maid by his hienes grandfather umquhyle King James the Thride, 1466, his second parliament cap. 11,<sup>1</sup> ordaining that none saill nor passe in merchandice out of the realme but friemen burgesses duelling within burgh, or thair [familiaris], factors, servants, being with thame in household at meat and drink (excepting and reserving to the prelates, lords, barones and clerks as in the said act is contenit and all other exceptions contenit in any act of parliament in force preceeding the day and dait heirof); and siclyk the act of parliament maid by King James the Fourth, of worthie memorie, in the parliament holdin at Edinburgh the elevinth day of Marche 1503 yeirs, cap. 84,<sup>2</sup> ordaining that no persone duelling out of borrowes use any merchandice nor yett tap nor

28th June  
1633.

<sup>1</sup> *Antea*, p. 30.

<sup>2</sup> *Antea*, p. 55 c. 37 (15th March 1503).

A.D. 1633. sell wyne, wax, silkes, spycerie, wad nor siclyk stuff, nor yet staple guids, and that none pack nor peill in Leith nor other places without the Kings borrowes, under the paine of escheat of the guids that be tapped, sold, packed or peilled contrarie to that statuite; and siclyk the 152 act of umquhyle King James the Suxt his 12 parliament,<sup>1</sup> ordaining that no persone exercise the traffique of merchandice bot burgesses of frie borrowes, under paine of escheat of thair whole guids and geir, the one half to his Majestie and the other half to the burgh apprehender, and giving power to everie burgh by thameselfes or a collector or commissioner depute by thame to searche the saids unfriemens goods, intromett thairwith as escheat ather within the cuntrie or any other pairt, to arreist, call, follow and persew befor unsuspect baillies to be creatt by thame; and also the sxt act of King James the Suxt, his [19th] parliament,<sup>2</sup> ordaining letters of horning to be direct againes unfriemen not being burgesses of the frie royall borrowes to find cautiou for desisting frome usurping of thair liberties, in all the heads, clausses, articles and circumstancies thairof. Lykas his Majestie and estates declair that the saids liberties and priveledges mentionat in the saids acts ar onlie proper and competent to the frie borrowes royall that have vote in parliament and bear burdeine with the rest of the burrowes and to no others; prohibiting and dischraiging all personnes quha ar not burgesses of the saids frie royall burrowes and bear not burdeine with the rest of all using and exercising of the liberties and priveledges forsaids in all tyme coming; and ordaines that letters of horning may be direct by the lords of counsall at the instance of all burrowes upon the forsaids priveledges and former actes of parliament maid thairupon and this present act, in all tymes to come, for putting of the same to dew executioun with all rigour against thame that doe or come in the contrarie of the actes and priveledgis forsaids without calling of any pairtie.

Act inhibiting marketes on Monday and Satirday.

23rd July  
1644.

185. Forsameikle as the estates of parliament presently convenit, by vertue of the last act of the last parliament haldine be his Majestie and thrie estates, in anno 1641, considdering that the profanation of the

<sup>1</sup> *Antea*, pp. 115-6, c. 74.

<sup>2</sup> *Antea*, pp. 127-8, c. 13.

A.D. 1644.

Lords day is not only occasioned by keeping of markats in the touns of Edinburgh, Jedburghe, Drumfreis, Brechine and Glasgow, upoun Monday, bot also by the keeping weiklie markates both that day and upon Satirday, in many other pairtes of this kingdom, therfore the estates of parliament dischairges onie weeklee markats to be keepeid within ony burgh of this kingdome heireftir upoun Monday or Satirday, and that under the paine of ane hundreth merkes to be payed by the burgh contraveineing *toties quoties*, and ordeanes everie burgh that hath not allreddie changed the saides markat dayes to appoint such other dayes of the weeke for keeping ther weeklie markates as themselves shall find most convenient, and eftir they have condishendit upoun the same that publict intimatione be made therof at the severall merket croces of the nixt adjacent burrowes and ther owne, that the samene may come to the knowledge of the Kings leiges; and in respect of the change allreddie made by vertue of ane act of parliament in the yeir 1641 [l. 1640] in the burghtis of Edinburghhe, Jedburghe, Drumfreis, Brechine and Glasgow, the saids estates doe approve the said act and ordeines that all markets whiche befor wer weeklie keepeid in the saides burghes upoun Monday to be keepit in Edinburgh, Drumfreis, Breichine and Glasgow, upoun Weddinsday, and in Jedburghe upoun Tuysday, in all tymecomeing.

Act in favouris of the frie royall burroues anent ther sea loisses.

240. Anent the supplicatione givine in to the estates of parliament now presentlie conveened by vertue of the last act of the last parliament haldine be his Majestie and thrie estates, in anno 1641, quherof the tennour followes: The humble petitione of frie royall burrowes of this kingdome to the right honorable the lordes and otheres commissioneres of this present parliament, humblie sheweth, that quhairas in the lait treattie betuixt the kingdome of England and this kingdome anent loisses susteend be this kingdome, the sea loissis wes accompted ane great paire, and as the samene wes givine in at the samene tyme to the parliament of England did extend to above the soume of ane hundreth tua thousand and sevyn hundreth pundes sterlinc, in considderation therof ther was than granted for the brotherlie assistance the soume of thrie hundreth thousand pund sterlinc, off the whiche soume there is yit unpayed ane great paire, therfore the saides commissioneres of burrowes does humblie beg at your

27th July.

A.D. 1644. handes to be pleased to modifie and sequestrat ane certane pairt of the said brotherlie assistance yit restand auchtand as said is for recompence to them of thair great loisses susteened be them the tyme of the said lait troubles be sea as said is, and to ordeane all these to use and deduce thair probatioune of thair particulare sea loisses who hes not allreddie usit and brought in the samene before the (*blank*) day of August 1643 yeeres lastbypast; and your lordships anser humbly we besike. Quhilk supplicatioune being red in audience of the parliament, and the samene with the desyre therof hard and considdered be them, the saides estates ordeanes the soume of fyftein [thousand] pund sterling out of the brotherlie assistance granted be the parliament of England to the parliament of Scotland yit restand auchtand to be sequestrat and put in the handes of Sir Johne Smyth, proveist of Edinburgh, for the use and releiffe of the foirsaides haill sea loisses within this kingdome, and for defraying and repaireing of the samene sea loisses; and to the effect the samene sea loisses may be constant and knowne, the saides estates ordeans all these quha hes not allreddie deduced probatioune of ther saides sea losses to lead and deduce probatioune therof for instructing of the samene before the committies of estates of parliament residing at Edinburgh, that eftir probatioune and instructioune of the foirsaid whole sea loisses the samene loisses being therby made constant what the samene extendes to, the said soume of fyftein thousand pund sterling heirby ordeaned to be sequestrat as said is may be made use of for repaireing and maikeing up of the samene sea loisses sua instructed in a proportionable way to the pairties damnified, according to the quantitie of there severall sea loisses, and as the samene is instructed and shall be provine be them as said is; and to the effect the foirsaid soume of fyftene thousand pund sterling may be put and sequestrat in the handes of the said Sir Johne Smith, in maner and for the cause before ordeaned, the saides estates of parliament ordeanes the committie for the commounre burdens of this kingdome to grant commissioune and warrand to the said Sir Johne Smythe, or any other haveing his power and order to uplifte and receive from the parliament of Ingland, or suehe as hes ordour from them for payment of the brotherlie assistance, the foirsaid soume of fyftene thousand pund sterling out of the brotherlie assistance and to be ansuered and payéd of the samene fyftein thousand pund sterling to the effect before rehearsed.

## PARLIAMENT HELD AT ST. ANDREWS.

Act against keiping of faires upon Settirday and Mononday.

169. The estates of parliament considdering that the prophanatioune of the Sabbath is occasioned by keiping faires upon Settirday and Mononday, as it was by keiping weiklie mercatis upon these dayis, doe thairfore inhibite and discharge all burghes and tounes to keip faires upon Mononday and Settirday under the pane conteaneed in the act past in June 1640 against keiping weiklie mercatis on these dayis, quhilk act the estates doe heirby extend against keiping of faires upon these dayis in the whole tenour and effect therof.

2nd February  
1646.

## PARLIAMENT HELD AT EDINBURGH.

Act in favouris of the frie royall burrowis for thair loisses.

415. The estates of parliament of the kingdome of Scotland now convened in this sext session of the first trienniall parliament haveing takine into thair serious considerations the report of that committie appointed be them for hearing and considering the billis and suplications presented to the parliament concerning the suplications given in to the parliament by the frie royall burrowis of this kingdome for repairing of thair losses be sea and land, the saidis estates of parliament findis that be ane act of the 27 of Julij 1644 yeiris, in the first session of this same parliament, the estates did then ordane the soume of fyiften thousand pund sterling of the brotherlie assistance granted be the parliament of England to this kingdome and then unpayed to be sequestrat and put in the handis of Sir Johne Smith, than provest of Edinburgh, for the use and releife of the whole sea loisses within this kingdome preceiding that tyme, and to be applyed for that use to the pairteis damnified, according to the quantatie of thair severall loisses, eftir the samen wer tryed and instructed in maner as the foresaid act mair fullie beiris, quhilk act the saidis estates doe heirby ratifie and approve; and farder they have modified and allowed and by thir presentis modifies and allowis the soume of tuentie thousand pund sterling (besides the fyiften thousand pund sterling aforesaid) to be given to the haill frie royall burrowis of this kingdome towardis the reparatioune of thair loisses be sea and land susteand by them since that tyme for the quhilk the fyiften thousand pund sterling abonespecifeit was ordanit to be

26th March  
1647.

A.D. 1647. given be the formar act for thair loisses be sea mentioned in the samen act, quhilk soume of tuentie thousand pund sterling the saidis estates of parliamént ordanis to be given and payed for the use aforesaid to anie personnes ane or mae who salbe authorized with power and warrand fra the royall burrowis of this kingdome to receave the samen, and that out of the remainder of the foresaid brotherlie assistance dew and payable be the parliament and kingdome of England to this kingdome and not alreadie payed nor formarlie assigned, and for this effect the estates of parliament doe heirby assigne and dispone to the saidis frie royall burrowis of this kingdome for the use foresaid the said soume of twentie thousand pund sterling out of the remainder of the brotherlie assistance abonementioned, yit unpayed be the parliament and kingdome of England to this kingdome and not formarlie assignit as said is; lykeas also the saidis estates of parliament be thir presentis grantis precept and warrand for payment of the said soume of tuentie thousand pund sterling out of the remainder of the brotherlie assistance aforesaid yit unpayed and not formarlie assigned to anie persone or personnes ane or mae wha salbe authorized with power and warrand fra the royall burrowis of this kingdome to receave the samen upon the discharge to be granted be them upon the receipt of the said soume. whose discharge therof the estates of parliament declares salbe ane sufficient warrand and exoneration to the payeris therof and to all utheris interest or that may be concernd therintill; off the quhilk tuentie thousand pund sterling abonementioned the estates of parliament allowis ten thousand pundis thairof to be applyed towardis the reparatioune of the foresaidis loisses by land and uther ten thousand pundis to be applyed towardis the reparatioune of thair loisses be sea; and ordanis the haill foresaidis soumes of money abonementioned to be justlie and equallie divydit and proportionat towardis the reparation of the foresaidis loisses be sea and land respective to the burghes and pairteis interest, according to thair severall loisses respective be the foresaidis frie royall burrowis of this kingdome amongst themselfis, and incase they can not agrie upon the proportionating and divyding of the foresaidis soumes abonementioned the estates of parliament ordanis the committie of estates to divyde the samen or rectifie the division to be maid be the burrowis as the committie sall find just and reasonable and as they sall find burghes or pairteis interest to be prejudged, quheranent thir presentis salbe a sufficient warrand.

# ACTA PARLIAMENTORUM CAROLI SECUNDI.

## PARLIAMENTS HELD AT EDINBURGH.

### Act in favouris of the royall burrowes.

193. Forsameikle as the estats of parlement, understanding that the monethlie maintenance and other publict burthens quhairunto the royall burrowes of the kingdome are lyable is and hes beene regulat and proportionat according to the taxt roll set doun by thameselfes, quhilk hes bene usallie altered at thair publict meetings according to the trade, estate and strength of thair severall burghes, and heerewith also considering that sundrie of the said royall burrowes are hevilie distrest and overburthened in the painment of the monethlie maintenance and other publict dewis by the not alteratioun of their taxt roll and proportionating the same to the trade, estate and strength of thair severall burghes, thairfor, and to the effect the commoun burthen forsaid may be equall, the estatis of parlement ordaines and appoynjis the royall burrowes, at thair publict meetings in July nixt, 1649 yeiris instant, to alter and change thair taxt roll<sup>1</sup> and to ordaine and appoint the monethlie maintenance and other publict dewis and burthens of the kingdome, with thair owne publict burthens, to be proportionated, payed and performed respective be the saidis burrowes according as the said taxt roll shall be altered and changed, upon consideratioun of the trade, estate and strength and conditioun of the said burrowes and thair losses respective forsaids, and that these burrowes who hes beene overburthened thir yeires bypast through the not tymlie alteratioun of the said taxt roll may be repaied and have thair releiff of that quhairintill they have been overburthened from these other burrowes who justlie ought to have borne the samene if thair taxt roll had beene accordinglie altered; and the estatis declaires

7th March  
1649.

<sup>1</sup> The tax roll was adjusted by the convention ferry on 3rd July 1649 (Convention Records, III., of royal burghs at their meeting held at Queens- pp. 332-3).

A.D. 1649. that if the said taxt roll shall not be altered be the royall burrowes at thair said nixt meeting to the effect and as is before appointed, in that case it shall be lesum to these of the saidis royall burrowes who findis thameselfis overburthened by the not alteratioun of the said taxt roll to alter the samene themselfis in maner and to the effect before exprest, and ordanes siclyk lettres and executioun to follow thairupone as is usuall to be graunted upon the taxt royall of the royall burrowes.

Report anent the 80,000 marks payable by Burghs passed.

4th July 1650. The fyft article of the report from the conference anent the 80,000 merks payable be the burrowis past in parliament with the additione maid thairto.<sup>1</sup>

Act anent the inbringing of the 80,000 merks imposed on the royal burrows in 1650, etc.

12th July 1661. 353. Forasmuch as be an act of a pretendit parliament, dated the fourt of July 1650 yeers, it is ordained that the sume of fourscore thousand merks formerlie appointed be ane other act to be payed be the royall burrows for their proportion of the foote levey then raised, should be payed in to his Majesties receavers for defraying of his Majesties necessarie and personall charges, with the burden of ten thousand merks for the use of the castle of Edinburgh, and other fyve thousand merks due to Johne Hamiltoun for which the late marques of Argyll and some others wer bund, and ordained letters of horning upon a simple charge of ten dayes to be direct at the instance of his Majesties receavers against the magistrats of burghs or any of them for payment of their severall proportions of the said sums, conforme to the devision thairof made by ane act of the

<sup>1</sup> The committee of conference for putting the kingdom in a posture of defence recommended "that the somme appointed to be furnished by the burroughs for their proportion of foot be applied towards the defraying of the King's necessary and personall charges, with the burden of ten thousand markes for the castles of Edinburgh and Inchgarvie." The proposed applicatioun of the money was approved of by parliament on 3rd July, "with this declaration that the same shall be allowed to the burrowes in any subsequent levies, if the horse to be leavyed furth of the shires bee not taken out and made use of, and that the summe of 5,000 merkes, with the bygan annuallrents restand, be payt out of the first of the said 80,000 merkes to John Hamilton, apothecarie, for the which hee had the lord Marquis of Argyll, Mr Robert Berkley, and Henry Kennedy, cautioners; and that such assignments as the parliament made to them for their relief be applyed for entertaynement of the King's house." (A.P.S., Vol. VI., pt. ii., p. 600).

A.D. 1661.

convention of burrowes dated at Edinburgh the tuentie eight day of July 1650;<sup>1</sup> and the estates of parliament considering that many debts wer taken on at that time for his Majesties use and that ther be diverse sums owing for furnishing to his Majestie and diverse of his servants, and finding it just that these who have not payed their proportions of the saids sums should yet pay the same for the uses aforsaid, doe therfor statute and ordaine that all and sindrie the royall burrowes who have not as yet payed their severall proportions of the saids sums shall now pay the same, and for that effect his Majestie, with advice of his estates of parliament, ordaines letters to be direct at the instance of his Majesties thesaurer, deput thesaurer, and receavers of his Majesties rents, against the magistrats of the royal burrowes for payment of what is resting unpayed of thair said severall proportions of the sume abovewritten, to the end the same may be applyed for the uses aforsaid, and that the letters of horning be upon fiftein dayes and that no suspension be granted bot upon consignation.

Act anent ruinous houses in royall burghs.

12. Our Soverane Lord being informed that upon the heigh streits of 17th July 1663 severall of his Majesties burghs royall, and in the vennells and other passages within the same, ther be many houses in the publict view of all people resorteing thairto very ruinous and not inhabited these diverse yeers bygone nor likely to be repaired be any, to the great opprobrie of the saids burghs and common scandall of the kingdome, as being altogether defective of that policie and good order which is and ever hath been so earnestly intendent in the many wholsome and lawdable lawes alreadie made by his Majestie and his royall progenitors, of most worthy memorie; and finding the burroughs very desireous to have these many dangers and inconveniences prevented and remeided, which the inhabitants of these

<sup>1</sup> There is no act of convention of this date preserved, but on 8th June preceding the sum of 80,000 merks above referred to was, by an act of Convention, proportioned among the burghs (Convention Records, III., pp. 355-6). Perhaps the date 28th July ought to be 8th June. The act of that date was passed at what was called a "particular" convention. The "general" convention met at Cupar on 2nd July, but the few

commissioners who attended simply prorogated the proceedings till 1st October, in consideration of "the imminent danger quherin the estat of kirk and kingdome at this tyme standis, through the unexpectit aproches of the Inglysch armes to this kingdom both by sea and land, threatening no les than the ruyne of both, except the Lord prevent the samyn." (*Ibid*, p. 358).

A.D. 1663. burghs and the rest of the leidges frequenting the same doe continowally fear from such ruinous buildings, doth therfor, with advice of his estates of parliament, ordeane the provest and baillies of the burgh wher such ruinous houses are to cause wairne and charge all persons that have or pretends right to the propertie of such lands and buildings or any annualrents forth therof, to cause build and repair in a decent way, within yeer and day, such houses and buildings as have been waste and not inhabited three yeers befor the date of this present act, or shall be waste and not inhabited heirafter by the forsayd space of three yeers, or els to sell the same to others, to be builded within the same space of yeer and day; and to charge all knoune persons personallie or at their duelling places and by open proclamation at the paroche kirk or mercat croce of the burgh, and all others by open proclamation at the said mercat croce and paroche kirk, and incaice of their absence out of this realme at the croce of Edinburgh and peer and shore of Leith, upon threescore dayes, with certification to them if they failzie the said provest and baillies shall cause the said lands and tenements to be valued by certane persones to be choisen and sworne by them for that effect, and sell the same to any persone that will buy them and pay the price of the same to these ouners, if they be knoune, and if they be not knoune to consigne the prices thereof in the hands of the provest, one of the baillies or dean of gild of the said burgh, to be furthcomeing to these who have interest thereto; and if no man will buy them it shall be lawfull to the said provest and baillies, after appriseing therof as said is and payment or consignation of the prices of the same, to cast doune the said ruinous houses and cause build the same of new; and his Majestie, with advice forsayd, declares that it shall not be lawfull in tymecomeing to any maner of persone to persew them nor their successours thairfor nor pretend any right nor interest therto bot that the said right shall be a perfect security to the builders thairof and their successours.

Act dischargeing Monday and Saturday mercats in royall burghs.

23rd Septem-  
ber

43. Our Soverane Lord considering that ther is much occasion given for profanation of the Lords day in the royall burghs by keeping thair weekly mercats on Monday and Satterday, and that the same may be als con-

A.D. 1663.

veniently kept on other dayes of the week; doth therfor, with advice and consent of his estates in parliament, inhibite and discharge all the royall burghs from keeping any mercats in timecomeing upon the Monday or Saturday, under the paine of one hundred merks to be payed by each of the royall burghs for everie contravention respective; and allowes them to change and keep their mercats on other dayes of the week as they have done formerly since the yeer 1644, and that they make timeous intimation of the change to the next adjacent burghs, it being always declared that this act is not to be extendit against fleshers in royall burghs who may keep mercats of fleshes in their respective burghs upon those dayes, this act notwithstanding.

#### The Taxt Roll of the Burrowes.

The estates of parliament haveing hard the taxt roll under written, 22nd August  
wheroft the tenor followes:—Taxt Roll of [Burrowes, as the samyn wes  
altered be the Convention of] Burrowes holden at Edinburgh the thirteen  
day of July 1670<sup>1</sup>:—

Edinburgh . . .	£33 6 8	Invernes . . .	£1 16 0
Perth . . .	3 17 0	Bruntiland . . .	1 3 0
Dundie . . .	6 2 0	Inverkeithing . . .	0 8 0
Aberdeen . . .	7 0 0	Kinghorne . . .	0 9 0
Stirling . . .	1 16 0	Breichen . . .	0 11 0
Linlithgow . . .	1 14 0	Irving . . .	0 18 0
St Androis . . .	2 6 4	Jedburgh . . .	0 18 0
Glasgow . . .	12 0 0	Kirkubright . . .	0 16 0
Air . . .	1 14 8	Wigtoun . . .	0 14 0
Hadingtoun . . .	1 16 0	Pittenwey whole . . .	0 13 4
Dysart . . .	0 16 0	Dumfermline . . .	0 16 0
Kirkaldie . . .	2 6 0	Anstruther Wester . . .	0 5 0
Monrose . . .	1 18 0	Selkirk . . .	0 13 4
Couper . . .	1 0 0	Dumbartan . . .	0 10 0
Anstruther Easter . . .	0 4 0	Ranfrew . . .	0 8 0
Dumfries . . .	1 13 4	Dumbar . . .	0 12 0

<sup>1</sup> Convention Records, III., pp. 622-3.

A.D. 1670.

Lanrick . . .	£0 12 0	Lauder . . .	£0 6 0
Arbroath . . .	0 9 0	Kilreny . . .	0 2 0
Elgine . . .	1 0 0	Annan . . .	0 2 0
Peebles . . .	0 12 0	Lochmaben . . .	0 2 0
Craill . . .	0 18 0	Sanquhar . . .	0 2 0
Tayne . . .	0 7 0	Galloway . . .	0 1 0
Culrose . . .	0 8 0	Dingwall . . .	0 2 0
Bamff . . .	0 8 0	Dornoch . . .	0 3 0
Whithorne . . .	0 2 0	Queinsferry . . .	0 10 0
Forfar . . .	0 4 0	Forterose . . .	0 5 0
Rothesay . . .	0 6 0	Cromarty . . .	0 5 0
Nairne . . .	0 3 0	Kintor . . .	0 2 0
Forres . . .	0 5 0	Inverury . . .	0 3 0
Ruglen . . .	0 3 0	Week . . .	0 3 4
Northberwick . . .	0 1 0	Kirkwall . . .	0 10 0
Cullane . . .	0 2 0	Inverbervy . . .	0 1 0

The abovewritten taxt Roll set doun be the Convention of Burrowes day and place forsaid, wherby the proportions and soumes abovementioned are the particullar soumes and proportions payable be each burgh for every hundred pund of burden imposed or to be imposed upon the burrowes. Extracted, *sic subr.* Ja. Rocheid. Which being taken unto consideration the Kings Majesty and estates of parliament approves the Taxt Roll abovespecifeit and appoints the same to be recorded in the books of parliament and the supply presently granted in this parliament to be uplifted accordingly.

Act concerning the priviledges of burghs royall.

10th July  
1672.

5. Our Soveraigne Lord, takeing into his serious consideration how necessar it is for the wealth and welfaire of this his ancient kingdome that trade and commerce be encouraged, both for the export of the grouth and manufactor of the kingdome and for import of foraigne commodities requisite for the use and satisfaction of his people, and for that effect that the priviledges of the royall burrowes granted by his Majestie and his royall predecessors may be established and cleired from the many contra-

A.D. 1672.

versies and debates that have bein theranent, to the great disquiet and expenssis both of the royall burrowes themselvis and uther incorporations and people of the kingdome, which contraversies have risen concerning the extent of the priviledges of the royall burrowes and how far the ratifications thereof granted by his Majestie and his royall predecessors and the estates of parliament have bein derogate and abrogate by contrair custome or by infeftments or priviledges granted by his Majestie and his royall progenitors, and speciallie by the 24th act of the parliament holdin by his Majesties royall father, of happie memorie, in the yeir of God 1633, entituled Ratification of the priviledges of the royall burrowes ; whereby all exportation of any merchandize is prohibited to any persone bot the burgesses of royall burrowes, their factors or servants, and all personnes duelling out of burrowes are prohibited to use any merchandize or to buy wine, wax, silks, spicery, wald or siklike stuffs, nor that none pack nor peill without the Kings burrowes, under paine of escheit of the goods that should be topped, sold, packed or peilled contrair to that statute ; and giveing power to the saids royall burrowes or their commissioners to search unfriemens goods, intromett therwith as escheit, either within the countrey or any uther pairt ; which priviledges soe extended wer never in use and are highlie prejudicall to the common interest and good of the kingdome, and are by the said statute extended far beyond the ancient priviledges of burrowes repeated and confirmed therin ; applying the priviledges granted to burrowes generally to royall burrowes onlie, to the prejudice of the burghs of regallities and barony, and extending of the sale of imported commodities, which could onlie be undirstood of whole sale, to the topping and retailing of the saids commodities ; and on the uther pairt the just priviledges of the royall burrowes have bein encroached upon by uthers, not onlie by exporting bot by importing of staple commodities without beiring burden with the saids royall burrowes in the publict taxations and aides granted to his Majestie. For remeid wherof his Majestie, with advice and consent of his estates of parliament, statutes and ordaines that it is and shall be the priviledge of freemen of royall burrowes and noe uther incorporation or persone within this kingdome to buy or sell, in great or whole sale, wine, walx, silks, spiceries, wald and uther materialls for dying ; and that noe uther incorporation or persone within this kingdome shall have power to import or export the same, or to

A.D. 1672. import any uther commodities except such as are allowed to them by this present act, but prejudice to noblemen, prelates, barons and uthers, of their priviledge of importing any of the saids goods, for the proper use of themselvis and their families allanerlie. Lykeas, his Majestie with consent forsaide, doeth heirby enact and declaire that it shall be leisome to any of his Majesties good subiects, or any persone that shall buy from them, to export furth of this kingdome, by sea or land, all maner of cornes that are of the grouth of the kingdome, all maner of cattell, nolt, sheip and horse, coall, salt and wool, skins, hydes and all uther native commodities of the kingdome, and that it shall be leisom to the burghs of regalitie and barronie, by any of their burgessis or members of society to export all their owne proper manufacture, or such goods as shall be bought by them in faires or markets, and that it shall be leisom to the saids burghs of regalitie or barrony or societies erected or to be erected for manufactouris and all uthers exporting the native grouth of the kingdome as afoirsaid, to import in retурne of the saids goods exported, or of the fraught and hire of the shipes, the goods and commodities following ; viz., timber, iron, tar, soap, lint, lintseed, hemp, onions, or uther necessars for tillage or building, or for the use of their forsaide manufactouris, and als to tope and retail all commodities whatsoevir. Likeas, his Majestie, with consent of the said estates, statuts and ordaines, that if any man, not being free-man in the royll burrowes, shall be found to have in his possessioun any goods or commodities to be bought or sold, exported or imported by him contrair to this present statute and the priviledge of the royll burrowes granted therby, the saids whole goods shall be escheit, the one halfe to his Majestie and the uther halfe to the burgh apprehender, and that if the saids goods be apprehended within any of the saids royll burrowes, or the suburbs or appendicles belonging to them, or within their ports or harbors, the samine may be summarlie seised and secured as goods escheit in maner forsaide ; bot if the saids goods competent onlie to friemen of royll burrowes, shall be found or alledged to be found elsewhere, they shall only be arrested and pursued to be declaired escheat, to be divided in maner abovewritten, befor any competent judicator as accords of the law ; and that upon pretence therof, the magistrats of burghs or others by commissioun from them or any of their inhabitants shall not search or seaze upon any goods, or any way trouble or mollest his Majesties good subiects,

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living without the bounds of their saids burghs or suburbs, summarlie and by way of fact, bot onlie by legall process according to law, upon the pretence of any priviledge, custome or usage whatsoevir, unles the persones be deprehended in the present and actuall transgression of the priviledges of the royall burrowes abovewritten, and that within the bounds of the said burghs, suburbs and ports therof, under the paine of being proceeded against as committers of ryot and disturbers of his Majesties peace. Lykeas his Majestie, with consent forsaid, cassis, annulls and rescinds all acts of parliament and ratifications in swa fare as they are contrair to this present statute, and ordaines letters of horneing to be direct summarlie at the instance of all royall burrowes, against all and whatsoevir persones who have transgressed, or shall transgress the forsaids priviledges, as the same are established and declaired by this present act.

Act concerning arrestments used within burghs.

17. Our Soveraigne Lord, considering that the burrowes royall have bein in use to arrest strangers, who live without their respective burghs, for all debts due by them to any of the inhabitants burgesses of the said royall burrowes, any maner of way without distinction, doe daylie force them to find caution to compeir befor the toune courts, or otherwise goe to prisone, to the great hurt and prejudice of the leidges, who, being strangers, and not able to find caution within burgh, are oftentimes summarlie incarcerated without any just cause, to their great dammage, expenssis and disgrace. For remeid wherof, his Majestie, with advice and consent of his estates of parliament, statuts and ordaines that in tyme comeing, noe burgess nor uther inhabitant of any royall burgh shall have power or be permitted to arreist any of his Majesties subjects of this kingdome who live outwith the burgh, or force them to find caution or imprisone them as said is for any debt whatsoevir, except allanerlie for horse meat or mans meat, abulziements or other merchandice due by strangers to burgessis, for the which they have noe other securitie bot their owne compt bookes, and for which the said priviledge of arrestment shall onlie be compitent to the merchant, innkeiper or stabler respective from whome the samine was gottin, and to whome it was originallie addebtied, soe that in case the samine be assigned to any uther burgess the

12th July.

A.D. 1672. assigney shall not have the benifite of that priviledge; and siclyke, if strangers have given bond or other securitie for the mans meat, horse meat, abuilzements or other merchandice, the merchant, innkeiper or stabler respective shall not have the benifite of the forsaide priviledge, bot shall be left to pursue for their respective debts befor the judge ordinar as accordes. And in regard that burghs of regalitie and barronie doe assume the same priviledge, therfor his Majestie, with advice forsaide, inhibits and discharges the magistrats of these burghs to arreist or incareerat any persones who are not burgessis inhabitants in their burgh for any maner of debt; and it is heirby declaired, that, if any magistrat of any burgh shall presume to doe in the contrair heirof they shall be punished for wrongous imprisonment of his Majesties leidges.

Act for establishing correction-houses for idle beggars and vagabonds.

4th September. 42. The kings Majestie considering the many good lawes and statuts maid by himselfe and his royll predecessors for suppressing of vagabonds, beggars and idle persones, who are a great burding and reproach to the kingdome, and for the most paift live without all law or rule, sacred or civil, and that a numerous brood of such persones are daylie increasing, who if they wer sett to work and bred to trades and callings the people might not onlie be disburdened of them, but they might in a shorte time, and upon fare less expence, become usefull and profitable for the whole kingdome; and withal considering that the effect of all these good lawes hath bein frustrate because ther hath bein noe place provided wherin such poore people might be sett to worke, nor persones appointed to have the charge and oversight of them; for remeid wherof, his Majestie, with advice and consent of his estates of parliament, statutes and ordaines that the magistrats of the burghs following, betwixt and the terme of Whit-sunday nixt 1673, provyde correction-houses for receaving and intertaining of the beggars, vagabonds and idle persones within their burghs, and such as shall be sent to them out of the shires and bounds afterspecified, and that they appoint masters and overseers of the same, who may sett these poor persones to worke, viz., one correction-house at the burgh of Edinburgh, for these of the toune and shire of Edinburgh, one at the burgh of Hadingtoune for these of the shire of Haddingtoun, one at Dunse for the

shire of Berwick, one at Jedburgh for the shire of Roxburgh, one at the burgh of Selkirk for the shire of Selkirk, one at the burgh of Peibes for the shire of Peibes, one at Glasgow for the shire of Lanerk, one at the burgh of Dumfreis for the shire of Dumfreis, one at the burgh of Wigtoune for the shire of Wigtoune, one at the burgh of Kirkeudbright for the Stewartry of Kirkcudbright, one at the burgh of Aire for the shire of Aire, one at the burgh of Dumbartoun for the shire of Dumbartoun, one at the burgh of Rothesay for the shire of Bute, one at Paisley for the shire of Renfrew, one at Stirling for the shires of Stirling and Clackmannan, one at Linlithgow for the shire of Linlithgow, one at Culross for these twelve paroches in the shire of Perth belonging to the presbytrie of Dumblane, one at the burgh of Perth for the rest of the shire of Perth, one at Montrose for the shire of Kincarden, one at the burgh of Aberdein for the shire therof, one at Inverness for the shires of Inverness, Ross and Cromartie, one at the burgh of Elgin for the shires of Elgin and Nairne, one at Inverary for the shire of Argyll, four in the shire of Fyffe, viz., one at St. Andrews, one at Coupar, one at Kirkaldy and one at Dumfermline, for the four ordinary divisions of that shire; one at Dundee for the shire of Forfar, one at the burgh of Bamffe for the shire of Bamff, one at the burgh of Dornoch for the shire of Sutherland, one at Week for the shire of Caithnes, and one at the burgh of Kirkwall for the shire of Orknay and Zetland; each of which houssis shall have a large closs sufficientlie inclosed for keiping in the said poor people, that they be not necessitat to be alwayes within doors to the hurt or hazard of their health. And incaice the magistrats of the saids burghs, or any of them shall not provide and have in reddines the saids correction housses, betwixt and the said terme of Whitsunday nixt, they shall incurr the pain and penaltie of Fyve hundredth merks Scots money, and that quarterlie untill the correction houses be provided; which penalties shall be payed to the commissioners of excise in the respective shires or bounds from which the saids poor persons shall be sent to the saids correction housses; and the saids commissioners are heirby warranted to raise letters of horneing and use other execution at there instance against the magistrats of the saids burghs, for payment of the penalties that shall be incurred by them in maner forsaide; which penalties shall be applyed by the saids commissioners for building or buying of houses to the effect forsaide; and in the mean time, untill the

A.D. 1672. saids houssis be provided, the magistrats of the saids burghs are required to dispose of these beggars and poor people who wer either borne within their respective burghs or have haunted thairin the last thrie yeirs, in some convenient places, soe as they may not goe begging on the streits, or at houses within the toun. And for the bettir enabling of the saids burghs to beir the charges and expenssis of the saids correction-houses his Majestie, with consent of the saids estates of parliament, statutes and ordaines that the contributions and allowances for maintaining of the poor, appointed by the fifteinh act of the third session of his Majesties first parliament, intituled Act concerning beggars and vagabonds,<sup>1</sup> be applyed for the use of the saids correction-houses, wherby they shall have two shillings Scots for ilke poor persone *per diem* that shall be sent to them and entertained and bred by them for the first yeir, and twelve pennies Scots *per diem* for the space of thrie yeirs therafter, dureing which they shall intertwaine and educate them, togidder with the profeit ariseing from the labour and worke of the saids poor persones for sevin yeirs therafter; which contributions are to be payed by the paroches releived of the said poor, in maner contained in the said act. And to the effect it may be knowne what poor persones are to be sent to the said correction-houses, and who are to be keiped and entertained by the contributions at the paroch-kirks for the poor, the ministers of ilke paroche, with some of the elders, and in case of vacancie of the kirks thrie or moe of the elders, are heirby ordered to take up ane exact list of all the poor persones within their paroches by name and sir-name, condiscending upon their age and condition if they be able or unable to worke, by reasoun of age, infirmity or disease, and where they wer borne, and in what paroches they have most hawnted dureing the last thrie yeires preceeding the uptakeing of these lists; intimation being always maid to the whole heritors of the paroche to be present and to see the lists right taken up; and that the heritors who, and the possessors of their land, are to beir the burding of the maintainance of the poor persones of each paroch, or any of them who shall meit with the saids ministers and elders, shall condiscend upon such as throwgh age and infirmity are not able to worke and appoint them places wherin to abide, that they may be supplied by the contributions at the paroche-kirk; and if the same be not sufficient to intertwaine them,

<sup>1</sup> 25th September 1663, c. 52; A.P.S., Vol. VII., p. 485.

A.D. 1672.

that they give them a badge or ticket to aske almes at the dwelling houses of the inhabitants of their owne paroche onlie, without the bounds quhairof they are not to beg; and that they doe not at all resort to kirks, mercats, or any other places where there are meitings at mariages, baptisme, burialls, or upon any other publict occasion; and likwise, that such of the saids poor persones as are of age and capacity to worke, be first offered to the heritors or inhabitants of each paroche, that if they will accept any of them to become their apprentices or servants they may receive them upon their obleidgment to entertaine and sett to worke the saids poor persones, and to releiff the paroch of them; for which cause they shall have the benefite of their worke untill they attain the age of thirty yeirs, conforme to the tenth act of the twentie two parliament of king James the Sixth,<sup>1</sup> and that the rest of the saids poor persones be sent to the correction-houses for whose entertainment the said heritors shall cause collect the saids contributions, and appoint a quarters allowance to be sent alongs with them, with cloathes upon them to cover their nakedness, and the said allowance to be payed quarterlie therafter by way of advance. With power also to the saids commissioners of excise in each shire quarterlie to take ane account of the diligence of these of each paroch in performeing of the premisses; and in case of their neglect to appoint other persones to make the saids lists and collectors to uplift the saids allowances, and to bring them to correction-houses; and the sheriffs, their officers and mayers and constables, are heirby required to concurr and be assisting to the carrying and delivering of the saids poor persones to the correction-houses. And in case any heritors shall find within their bounds any other vagabonds, beggars, or idle persones not being in service, nor having any visible way or stock to entertaine themselvis, who wer not borne nor did haunt formerlie within their bounds, they are heirby impowered to seize upon such persones and to send them to the correction-houses; and to charge the magistrats or masters of the saids houses to receive them without advance of any allowance; with power notwithstanding to the saids magistrats or masters to charge the heritors of the paroches where these idle persones wer borne or have most haunted the last thrie yeirs for the allowance of such of them as are not bred to work; and as to such of them as can work, the masters shall have the benefite of their worke for

<sup>1</sup> "Anent the Poore," 28th June 1617, c. 10; A.P.S., Vol. IV., p. 542.

A.D. 1672. their meat. And his Majestie with advice forsaid doeth impower and require the masters of the correction-houses to put and hold the saids poor people to worke as they shall see them most capable and fitt; and incaice of their disobedience, to use all maner of severitie and correction, by wheeping or otherwayes (excepting torture) and to detain them within the said correction-house and closs therof; with this provision, that incaice any of the saids poor persones being received, shall be suffered to escape to burthen the countrey of new, that the magistrats shall be charged to recover and receive them again, without any allowance thereaftir, dureing the said space of four years, under the pain of fourtie pounds Scots for each persone soe escaping; with power also to them, to receive disobedient servants, and to put them to worke, and to correct them according to their demerits. Likeas, his Majestie, with advice forsaid, ordaines lettirs of horneing and other execution to pas hereupon, at the instance of these who shall send the poor in maner forsaid against the magistrats of burghs for receiving the poor sent to them, with the quarters allowance forsaid; and likewayes, letters of horneing to be direct at the instance of the masters of the saids correction-houses against these lyable in payment of the said allowance for the poor, conforme to the said act of parliament, and that quarterlie in maner forsaid; and at the instance of the collectors to be named by the heritors or commissioners of excise against the heritors and inhabitants of the saids paroches, conforme to the said act of parliament. It is allwayes heirby provided, that it shall be lawfull to coall-masters, saltmasters, and others who have manufactoryes in this kingdome, to seise upon any vagabonds or beggars wherewir they can find them, and to put them to worke in their coal-heughs or other manufactoryes, who are to have the same power of correcting them, and the benefite of their worke as the masters of the correction-houses. And furdder his Majestie, with advice forsaid, recommends and committs the executioun of this present act to his privy councill, with power to them to appoint all meanes and wayes for making the same effectuall, to whome the commissioners of excise in the severall shires are hereby required to returne ane account of their diligence in the premissis by some of their number the second councill day in November, and the second councill day in Junij yeirlie, under the pain of fourtie pounds Scots for every commissioner of excise who shall be deficient in doing his pairt of the premisses.

Act concerning the registration of sasines and reversions of tenements  
within burgh.

13. Our Soveraigne Lord, considering the great security that this 6th September  
1681. kingdom enjoyes by the publict Register of Sasines and Reversions,  
conform to the sixteenth Act of the 22 parliament of King James the Sixth, holden in anno 1617, and that ther is fully the like reason and benefite that the foresaid statute should extend to the whole kingdom, as well to burgh as landward; therefore his Majestie, with consent of his estates of parliament, statuts and ordaines that in time coming all instruments of sasine of tenements within burghs royall or liberties or freedoms thereof holding in burgage, and all reversions, regresses, bands or writs for making reversions or regresses, assignations thereto, discharges therof, renunciations of wodsetts, and grants of redemption of the saids tenements within burgh, or the liberties or freedoms therof, holding burgage, shall be insert in the Toun-Clerks books of the several burghs respective, within threscore dayes after the date of the same, excepting reversions incorporat in the body of the right; and that the Toun-Clerk shall keep a several book therfore, depending only upon the magistrats of the burgh, without necessitie of any warrand from the Clerk of Register, and minut books of the same, to be quarterly compared and signed by the provest and balyies of the several burghs. It is always declared that it shall not be necessary to insert any bands or writes for making of reversions [or regresses] unles sasine pass in favours of the parties makers of the saids bands and writes, in the which case it is ordained that the same shall be insert within sixty dayes after the date of the sasine; the extract out of the which register shall make faith in all cases, except wher the writs so insert are offered to be improven. And if it shall happen any of the saids writs, which are appointed to be insert as said is, not to be duly insert within the said space of sixtie days, then and in that case his Majestie, with advice and consent foirsaid, decerns the same to make no faith in judgement be way of action or exception, in prejudice of a thrid party who hath acquired a perfect and lawful right to the saids tenements; but prejudice always to them to use the saids writs against the parties makers therof, their heirs and successors. And it is hereby declared that ther shall be nothing payed to the Toun Clerks for regis-  
tration.

A.D. 1681. tion of the saids sasines, but for any posteriour extracts they shall have the halfe of the rates prescribed by the act of parliament for extracts out of the registers of sasines in the particular shires. And for registering in the touns books of reversions, assignations thereto, or discharge therof, renunciations, and grants of redemption of wodsetts, which were not in use to be registrat before in the touns booke, that they shall have the halfe of the rates prescribed by the act of parliament for registration and extracting the same as said is.

Act anent theicking of houses in Edinburgh, and some other burghs royall,  
with lead, sclates, etc.

17th Septem-  
ber.

97. Our Soveraigne Lord, considering the danger that may ensue from theicking of houses within the towne of Edinburgh with straw, bent or other combustible matter, the toun being thereby exposed to the hazard of fyre, and that the same is nowayes decent to be seen in the cheif city of this kingdom, therefore his Majesty, with consent of his estates of parliament, doeth prohibit and discharge the theicking of any houses in the said toun, Cannogate, and other suburbs therof, in tyme coming, with straw, bent or heather, but ordains them to be theicked with lead, scelait, scailzie or tyle; and statuts and ordains that such houses within the said toun as are at present theicked with strae, be theicked of new with selait or tyle within the space of ane yeer after the date hereof, under all highest pain and charge that after may follow. And lykways ordains all houses that shall be built in time coming in the burghs of Glasgow, Aberdeen, Dundy and Stirling, to be theiked with lead, scelait, scailzie or tyle and no otherways, under the foresaid penalty. And recommends to his Majesties privy councill, upon application to be made to them by the magistrats of any other burgh royall, to give the like warrand and ordor for the theiking of housses within their burgh.

Act in favors of burghes royall.

1681. Our Soveraigne Lord, considering that by the 5th act of the third session of his Majesties 2nd parliament<sup>1</sup> it is declared that it shall bee leisum to any of his Majesties [lieges]; or any person that shall buy from

<sup>1</sup> *Antea*, p. 147; 1672, c. 5.

A.D. 1681.

them, to export all cornes that are of the growth of the kingdome, all maner of cattell, nolt, sheepe and horse, coall, salt and wool skins, hydes, and all uther native commodities of the kingdome, and that it shall bee leisum to the burghes of regality and barrony, by any of their burgesses or members of societie, to export all ther owne manufacture or such goods as shall bee bought by them in faires or marketts, and that it shall bee leisum to the burghes of regalitie, by any of their burgesses or societies erected or to bee erected for manufactures, and all uthers exporting the native growth of the kingdome, to import in retурne of the saids goods exported, or of the freight and hyre of the ships, timber, yron, tarre, soape, lint, lintseede, hempe, onyons, or uther necessars for tillage or building, or for the use of our forsayd manufacture; and seing the trade of this kingdome, as to the exports, by the said act of parliament so far extended in favors of the burghes of regalitie and barronie, his Majestie, with advyce and consent of his estates of parliament, doeth heirby statute and ordaine that burghes of regalitie and barronie shall only have libertie to retaile for the use of the inhabitants within the regalitie or barronie, respective, the goods and commodities above specified which by the forsayd act of parliament they are allowed to import as the retурne of the goods exported by them, and that they may not vent or retaile the saids goods to any uther persones within the kingdome who shall come to the saids burghes and offer to buy the same.

#### Ratification in favours of the royall burrowes of Scotland.<sup>1</sup>

157. Our Soverane Lord, with advice and consent of his estates of parliament, ratifies, approves and confirmes ane signator and grant, granted and supersigned be his Majestie, at Whitehall, the tent day of September 1660 years, ordaining ane charter to be made and past under his Majesties great seal of Scotland, ratifieing and approveing, and for his Hienes and his successors perpetually confirmeing in favours of the royall burrowes of Scotland all and whatsumever charters, infestments, confirmations, gifts, grants, donations, mortifications, decreits, sentences, acts of parliament or secreit councill conceaveed in favours of the saids royall burrowes of Scotland for their generall or particular conventions and other liberties

<sup>1</sup> This Act has been inadvertently omitted in its chronological order.

A.D. 1661. belonging unto them, and all other writs and evidents whatsumever, made, granted or conceaved by any of the Kings or Queens of Scotland, or by the governours or regents thairof for the tyme, or be their commissioners, to and in favours of the saids burghs in relation to the general or particular conventions aforsaids, in the haill heids, articles, clauses and conditions of the same, conceaved in favours of the said royall burrowes; and his Majestie willed and declaired that the said generall confirmation is and shall be in all tyme comeing of als great force, strenth and effect in all respects to the saids royall burrowes as if all and sindrie the saids infeftments, gifts, dispositions, mortifications, acts, decreits, confirmations, and others rights, titles and securities forsaids wer at lenth and word be word insert, ingrossed and confirmed therintill; saifand and reservand alwayes to his Majestie and his successors the dewties, rights and services used and wont to be payed and done to his Majestie and his progenitors of blessed memorie be the saids royall burrowes; together with the forsaide charter appointed to passe under the great seall upon the said signatour, in the haill heids, clauses and conditions thairof: Willing, declareing and ordaining thir presents to be als valeid and sufficient as if the said signatour and charter to follow thairupon wer alreadie extendit and past under the great seall and that the same, together with all and sindrie infeftments, gifts, dispositions, mortifications, and other rights, titles and securities forsaids, thairby ratified and approven, wer heirin at lenth word be word insert and ingrossed. And his Majestie, with advice and consent of his saids estates of parliament, decernes and ordaines the forsaide signatour and charter to passe thairupon, with this present confirmation thairof, to be ane good and perfyte right to the saids royall burrowes for their generall or particular conventions and other liberties belonging to them, granted be his Majesties dearest Father, of blessed memorie, King Charles the First, or any others of his royall predecessors. And ordaines his Majesties thesaurers, principall and deput, and remanent lords of exchequer, to passe to the saids royall burrows particular infeftments and grants of their liberties forsaids.

# ACTA PARLIAMENTORUM GULIELMI ET MARIÆ.

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## PARLIAMENTS HELD AT EDINBURGH.

Anent the magistracy in burghs.

The earle of Glencairne and lord Duffus, the lairds of Calder and Lamingtoun, Mr James Ogilvie and Alexander Spittall of Lewchett were named to consider the condition of the present magistracy and councill in the respective burghes, and to report.

13th April  
1689.

### Act for a new election of magistrates in the severall royll burghes.

48. The estates of this kingdome haveing heard and considered a representatione made from the commissioners of the royll burrowes for regulating the magistracy and counsells therof, bearing that it was ther opinion that the haill burghes forsaid should have ane new election of magistrats and counsill by the poll of the burgesses bearing burthen in the respective burghes, excluding honorarie burgesses, toun servants, pensioners and beidmen, and also haveing considered the representations made by severall burghes why they ought to continue their magistracy and counsill, as being freely elected conforme to their priveledges and constitutiones, the estates doe find that generally the forsaid haill royll burrowes have suffered encroatchments on their liberties and priveledges by letters and recommendationes from the King his counsill and others haveing power and influence, wherby these severall years past many of the burgesses, otherwayes qualified to elect and be elected, have bein debarred, therfore the estates doe hereby give order and warrand for new elections to be made of ordinary magistrats and toune counsills for the severall royll burghs, to be chosen by the poll, and that on such tymes and at the sight

18th April.

A.D. 1689. of such persones as the estates shall appoynt; and ordaines the toune clerks to conveen the habile burgesses to that effect (excluding honorary burgesses, toune servants, pensioners and beidmen) and to proceed in the forsaid electione in the same manner as wes formerly ordered and appoyned by the estates in the electiones of the magistrats and toune counsills of Edinburgh and Dundee; and appoynts the magistrats and toune counsills so elected to continow till the ordinary tyme of ther electione at or near Michaelmes nixt.

Act in favors of the roiall burrowes.

14th June  
1690.

15. Our Soveraigne Lord and Lady the King and Queens Majesties, and the estates of parliament, considering that the trade allowed to burghs of baronies and regalities hath not been yet soe cleared but that many contraversies doe daily arise thereupon, to the great prejudice of the trade of this kingdom, and their Majesties considering that the roiall burghs being one of the estates of this kingdom, bearing a sixth part of all publick impositions, being obligeid to watch, ward, build and maintain prison houses, with severall other obligations for support of their Majesties government; in consideration whereof their Majesties roiall predecessors have, by many repeated laws, granted to them the power of trade within and without this kingdome in manner after mentioned; and it being most fitt that now, after full tryall of all former expedients, all contraversies about trade should be clearly determined, therefore their Majesties and estates of parliament statute and ordaine that the importing of all forrain commodities and merchandise, either by sea or land, doth and shall belong to the freemen inhabitants of their Majesties roiall burrowes allenerly, excepting cattell, horses, sheep and other bestiall, and likewise excepting such commodities as noblemen and barons shall import for their own use, and whereof no part shall be imported for sale; and likewayes they statute and ordaine that the exporting by sea of all the native commodities of this kingdom doth and shall belong to the freemen inhabitants of the roiall burrows only, excepting corns, cattell, horses, sheep, mettalls, mineralls, coals, salt, lime and stone, but prejudice to noblemen and barons to export as much of the other native product of the kingdome, whether staple commodities or others, as may answere to the value of the commodities which shall be imported by them for their own use as said is; as alsoe but

A.D. 1690.

prejudice to all the leidges to transport by land out of this kingdom all the native commodities thereof. And in case any persons shall doe in the contrair of this present act they shall be punished according to the tenor of the acts of parliament made against unfree traders in all points. Declareing hereby that the inhabitants of burghs of regalities and baronies and others shall and may trade in buying and selling all native commodities, and likewayes may retaill all forraigne commodities, provydeing they buy these forraigne commodities from some of the freemen of the royall burrowes bearing scott and lott therein, and noe otherwayes; and that notwithstanding of the 5th act of the 3d session, 2d parl. Cha. 2d<sup>1</sup> which is hereby restricted expressly and abrogated in soe far allenerly as it is inconsistent with this present act. And it is hereby declared that this statute and the privileges thereby enacted in favours of the royall burrowes shall have execution in the same way and manner as is prescribed by the foresaid 5th act of the 3d session 2d parliament of Charles 2d, excepting generall letters [of horneing] which are discharged by ane act of this date.

Act anent the common good of royall burrowes.

45. Our Soveraigne Lord and Lady the King and Queens Majesties, considering that the royall burroughs of the kingdome erected and provyded with their respective publick goods and revenues by their Majesties royall ancestors, are of late through the male-administration of the magistrates and others, to whom the management of the said publick goods and revenues hath been committed, fallen under great debts and burthens, to the diminution of the dignity of estate of burroughs and the disableing them to serve the crowne and government as they ought, and that the care, oversight and controll of the said publick goods and revenues and of the administration thereof doth undoubtedly belong to their Majesties, by virtue of their prerogative royall, have thought fitt to declare in plain parliament, likeas they doe hereby declare that, alse well for what is past as in time comeing, their Majesties will give commissions one or more to such persons as they shall be pleased to nominate, to inquire into the condition and state of the common good and revenues whatsoever of all the royall burroughs, and how the samen hath been heretofore or shall be

14th June  
1693.

<sup>1</sup> *Antea*, pp. 147-50; 1672, c. 5.

A.D. 1693. hereafter employed or misemployed, and to call the malversers and misemployers to make accompt, and to ordaine and decerne them and every one of them to refound and repay, or otherways repair the burrough or burroughs by them lesed, as the saids commissioners shall find them lyable; and their Majesties, with advice and consent forsaide, declare that the acts and sentences of the saids commissioners shall have the strength and effect of acts and sentences of the court of exchequer. And for preventing the like abuses and misapplications in all time hereafter, their Majesties, with advice and consent forsaide, statute and ordaine that every burrough royall within this kingdom shall, betwixt and the first day of November next to come, bring the lords of their Majesties thesaury and exchequer an exact stated accompt in charge and discharge, subscribed by the present magistrates and town clerk, of their whole publick good and revenue, and of the whole debts and burthens, and incumberances that doe affect the samen; and farder that it shall not be lawfull for hereafter to the magistrates and town councill of any burgh royall to contract any debt or give bond for the samen, obligeing them and their successors in office, without a previous act made in the town councell, in their fullest convention both of merchants and deacons of crafts, condescending upon the causes and uses for which the saids debts are contracted and bonds granted, certifying the forsaids magistrates and others who shall contract debts and grant bonds, without the said previous act, or if the causes and uses condescended on in the said act shall not be found to be just, true and reall, that in any of the saids cases the saids contracters and subscribers shall be personally lyable, they and their heirs and successors, in their private fortunes, to relieve and disburthen the town of the said debts, and that by decreete of the lords of session, at the instance of any burgess of any of the saids burroughs who hath borne the office of provest, baillie or dean of gild within the samen, but prejudice always to the right and security of the party creditor, as likewayes but prejudice to any private persons rights as to any of the saids burghs as accords.

Act and ratification anent the communication of trade to burghs of barony and regality.

51. Forasmuch as the convention of the royall burrowes, holden at Dundee the thirteenth of July one thousand six hundred and nyntie two,

A.D. 1693.

being willing to communicate the benefite of trade allowed to them by the laws and acts of parliament in favours of burroughs of regalities, baronies and others, that could relieve them of a proportional part of the burthen imposed upon trade did by a contract of the date the *(blank)* day of *(blank)* one thousand six hundred *(blank)* years, grant power and commission to Master John Buchan, advocate, their agent, and to his substitutes for whom he shall be answerable, for the space of three or five years in the option of the said Mr John, to cause put the act of parliament made in their favours, upon the fourteenth day of June, one thousand six hundred and nyntie years, to execution against unfree traders, and to apply all the fynes, penalties and casualties to his and their own use [and behove, and to communicate the benefite of trade to burghs of regalities, baronies and uthers dureing the said space] as he should think fitt, reserving always power to the royall burroughs for the freedome and priviledge of trade to grant the same upon such compositions as they shall think fitt, provyding allways the saids compositions were payed in to the said Mr John, for which he is obliged to relieve the saids royall burroughs during the space forsaid of ten pounds of the hundred pounds of the taxt roll imposed upon the royall burroughs by act of parliament, as the said contract more fully bears: Our Soveraigne Lord and Lady and the estates of parliament, considering how just and advantagious communication of trade will be to the haill lieges, when the same is granted by the royall burroughs for relief of a proportionall parte of the burthen imposed upon them for their trade, therefore their Majesties, with advice and consent of the estates of parliament, doe ratify, approve and confirme the said contract in its haill heads, clauses and articles above written; and their Majesties, with advice and consent forsaid, statute and ordaine that sicklike execution shall pass against the burghs of regalities, baronies and others for inbringing the proportions of the burthen to be payed by them for relief of the royall burroughs, which any of them hath already, or hereafter shall agree unto, in consideration of the benefite of trade communicate to them, sicklike and in the same manner as is usuall for inbringing of the cess payable to their Majesties by the royall burroughs; and farder their Majesties, with advice and consent forsaid, doe hereby expressly statute and ordain that after the expyreing of the forsaid contract betwixt the said royall burroughs and Mr John Buchan, their

A.D. 1693. agent, the forsaid communication of trade shall continue and be perpetuate unto the saids burghs of regalities, baronies and others, upon the paying or relieveing the royall burroughs of a just proportion of the hundred pound of the taxt roll imposed upon them by act of parliament, effeirand and correspondent to their trade, and which proportion shall be equally condescended upon by the said royall burroughs at their first generall meeting after expiration of the said contract; and thereafter as often as they meet for altering of their taxt roll, and in case any mistake or inequality shall happen in the adjusting the said proportion to be payed by the burghs of regalities, baronies and others, conform<sup>t</sup> to the trade as aforesaid, then and in that case the said burghs are hereby allowed to apply themselves to the parliament for regulateing and determineing the forsaid quota according as they shall see just; and upon the division swa to be made of the said quota, then the said royall burroughs are to distribute and proportion the samen amongst the saids burghs of regalities, baronies and others according to their respective trades; and their Majesties, with consent forsaid, doe hereby strictly discharge all persons whatsomever to exercise any kind of trade, under the penalties contained in the act of parliament, except burgesses and indwellers in royall burroughs and their free ports, by consent of their burroughs to which they belong, and these who pay their proportion of the said quota to be payed by the burghs of regalities and other burghs aforesaid; and to the effect that the burthen may be equall and reasonable, and that none be exempted, their Majesties, with advice and consent forsaid, do authorize, appoint and ordaine any of these who have the benefite of the communication to putt all acts of parliament made in favours of the burghs royall in full execution against all such unfree traders within their own bounds and jurisdictions as shall not undertake for and pay a proportion of the said quota which the burroughs are to be relieved of, and to apply the fynes and penalties to their own use and behoof; likeas the masters or magistrates of the towns to whom the trade is to be communicate are hereby authorized to appoint stent masters upon oath within their towns, for laying on the burthen upon the traders and others who have benefite by the trade.

## ACTA PARLIAMENTORUM GULIELMI.

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### PARLIAMENTS HELD AT EDINBURGH.

Act allowing the administrators of the common good of burrowes to adventure their stocks or any part therof in the company of forraign trade.

73. Our Sovereign Lord, with advice and consent of the estates of 17th July 1695. parliament, for the encouragement of the undertakers for forraign trade, conform to an act made in their favours in this present session of parliament, intituled Act for a company trading to Affrica and the Indies, doth hereby statute and declare that it shall be leisom to the magistrats and others, the administrators of the common good of burghs, as also to the deacon, masters and others administrators whatsoever of any incorporation or body or company incorporat or collegiat within this kingdom, to adventure and put in money belonging to their respective administrations, for a share and part to be purchass'd to the saids burghs and incorporations in the said company mentioned in the said act, bearing the name of the Company of Scotland tradeing to Affrica and the Indies, in the manner and in the terms provided within the said act, and that their putting in the money of the said burghs, incorporations under their care and charge, and adventuring the same in the said company, shall be repute and held for a deed of lawfull administration, and though the success and event therof should happen not to be prosperous, yet it shall never be construed to be a deed of lesion against the said administrators but their acting in this behalfe is hereby declared to be lawfull and warrantable, for the security of the forsaid persons in all events.

Act anent the privileges of burghs of regality and barony as to the  
cureing and packing of salmond fish.

9th October  
1696.

12. Whereas by the fifth act of the third session of this current parliament the packing and curing of salmond fish is most particularly provided for, and that with a speciall clause provideing and declaring that nothing contained in the said act should prejudge the rights and priviledges of any burgh royll, our Soveraign Lord, with advice and consent of the estates of parliament, do hereby further provide and declare that nothing contained in the said act shall any way prejudge the rights and priviledges of any burgh of regality or barony but that the rights, priviledges and long prescribed possessions of all burghs are hereby understood to be therin reserved.

Act anent the aliment of poor prisoners.

32. Our Soveraign Lord, considering that generally the burghs of this kingdom, havers of prisons, are troubled and overcharged with prisoners thrust into their prisons who have nothing to maintain themselves but must of necessity either starve or be a burden upon the burgh, doth therfor and for remeid therof, with advice and consent of the estates of parliament, statute and ordain that where any person is made or shall be made prisoner for a civil debt or cause and shall be found or become so poor that he cannot aliment himself, then and in that case it shall be leisum to the magistrats of the burgh where the prisone is, to which the said prisoner is committed, upon the complaint of the said prisoner and his makeing faith in their presence that he hath not wherewith to aliment himselfe, to intimat the same to the creditors, one or more, at whose instance the said prisoner was committed or is detained, and to require him or them either to provide and give security for an aliment to him, not under three shilling per diem, or else to consent to his liberation, which if the said creditors refuse or delay to do within the space of ten dayes therafter, then it shall be leisum to the said magistrats to set the said poor indigent prisoner at liberty, without any hazard of being lyable for the debt and cause of the imprisonment or to any other censure whatsomever; provideing allwayes that if any other creditor, at whose instance he is made or detained prisoner, give surety to aliment the said indigent debtor,

he shall still be kepted prisoner as before; as also that prisoners for A.D. 1696. criminall causes be in the same state as formerly.

Act regulating the trade betwixt burghs royall and burghs of regality, barony and others.

38. Our Soveraign Lord, for farder clearing of the trade allowed to burghs of barony and regality, or others who are not freemen of burghs royall, doth, with advyce and consent of the estates of parliament, statute, enact and declare that in time comeing the exporting of the native goods from this kingdome, and the importing of forraign goods into the kingdom, is the priviledge of the freemen and burgesses of burghs royall, and of such to whom the said priviledge shall be communicat, exclusive of all others, excepting the exportation of corns, cattle, horse, nolt, sheep, coal, salt, metall and mineralls, lyme and stone, and but prejudice to noblemen and barons to export the native products growing or manufac-tored in their lands, and to import forraign commodities for their own use, and not for sale, answering to the value of such export; excepting also the priviledges granted by law to declaired manufactories and societies for fishing; and farder it is declared that in time comeing the inhabitants of burghs of regality and barony and others may trade, buy and sell all native commodities, as also retaill forraign commodities, provideing they buy these forraign commodities from some of the freemen of the burghs royall, or of such burghs who shall get the forsaid communication, and who payes scot and lot within burgh, and no otherwayes, and the grant of these priviledges in favors of the royall burrows shall have execution in the way and manner prescribed by the twelfth act, second session of this current parliament, anno j<sup>m</sup> vj<sup>e</sup> and nynety, in favors of royall burrows.<sup>1</sup> 1st September 1698.

Act for settleing the communication of trade.

39. Our Soveraign Lord, for terminating the differences that have lately arisen betwixt the burghs royall and burghs of regality and barony and others, on the account of the communication of trade appointed by the act of parliament j<sup>m</sup> vj<sup>e</sup> and nynety three,<sup>2</sup> and especially about the subdivision of the ten pound of the hundred pounds of the taxt roll of the burghs

<sup>1</sup> *Antea*, p. 161, c. 15.

<sup>2</sup> *Antea*, p. 163, c. 51.

A.D. 1698. royall, declared by the said act to be the proportion to be undertaken by the said burghs of regality and barony and others who were to partake of the said communication, during the space and years of Mr John Buchans contract mentioned in the said act, as also what should be the quota of the said taxt roll which should be laid for hereafter upon the said burghs of regality and barony and others who should partake of the said communication, and how the same should be subdivyded and proportioned amongst them, doth, with the advyce and consent of the estates of parliament, ratifie and confirm the communication of trade ordained by the forsaid act, and that in the terms declared for hereafter by another act of this session of parliament, intituled Act for regulation of trade betwixt burghs royall and burghs of regality, etc.<sup>1</sup>; and for clearing of the foresaid questions and makeing of the said communication more effectuall, his Majestie, with advyce and consent forsaid, gives full power, warrand and commission to such persons and quorum of them as shall be nominat be his Majestie<sup>2</sup> to meet and conveen at Edinburgh the (*blank*) day of (*blank*), and thereafter at such times and places as they themselves shall appoint, with full power to the said commissioners to consider as to bygones preceeding the expiration of Mr John Buchans contract, how the said ten pounds, together with Mr Johns expences, as it shall be modified by the said commissioners, may be most equally subdivyded and proportioned amongst the said burghs of regality and barony and other unfree traders, as well for the part of such unfree traders as have got the benefite of the said communication as for the part of such as have not got it, that they for the space forsaid may be fully liberat and discharged of all hazard of unfree tradeing, and to subdivide and proportion the same accordingly; as lykewayes, to consider for the year since the expiration of Mr John Buchans contract to Lambmass last bypast and also for hereafter, what quota or part of the said taxt roll of ane hundred pounds of the burghs royall should be laid upon the unfree traders of this kingdom, and to subdivide and proportion the same upon the said burghs of regality and barony and others who have got or shall accept and get the benefite of the said communication as they shall find just; and the said commissioners are

<sup>1</sup> *Antea*, p. 168, c. 38.

<sup>2</sup> Regarding the appointment of this commission and its proceedings, with further information connected with exclusive privileges of trade till their abolition in 1846, reference may be made to Sir James Marwick's preface to the "Miscellany of the Scottish Burgh Records Society," pp. liv.-lxii., and authorities there cited.

A.D. 1698.

hereby empowered to call all persons haveing interest before them, and to take all manner of tryall necessar in the premises, and to cite witnesses and ishue out diligences requisite for that effect; declairing that their sentences and decrets for stateing and devideing in manner forsaid shall have the force of a decreet of parliament, and that letters and all other execution as against burghs royall shall be direct thereupon as effeirs; and farder his Majestie, with advyce and consent forsaid, statutes that the said quota and subdivision being once stated, all persons inhabitants of the said burghs partakeing of the communication shall be lyable to be stmented for the quota appointed as the use is in burghs royall; as also that for thereafter the said burghs shall be lyable to the determination of the conventions of royall burrows as to the alterations of their quota as other burghs royall; provydeing allwayes that the burgh to be altered be first called, and that the said alterations shall not encrease the generall quota laid upon unfree trade; as likewayes, that in case of inequality the burgh lesed may apply for remedy to the parliament; lykeas, in case of the increase or decrease of trade, it is hereby declared that the burghs concerned, whether royal or not, may apply to the parliament even as to the general quotas.

## ACTA PARLIAMENTORUM ANNÆ.

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### PARLIAMENT HELD AT EDINBURGH.

Act ratifying and approving the Treaty of Union of the two kingdoms of Scotland and England.

16th January 1707. Art. 17. That from and after the Union the same weights and measures shall be used throughout the United Kingdom as are now established in England; and standards of weights and measures shall be kept by those burroughs in Scotland to whom the keeping the standards of weights and measures now in use there does of speciall right belong; all which standards shall be sent down to such respective burroughs from the standards kept in the Exchequer at Westminster, subject nevertheless to such regulations as the parliament of Great Britain shall think fit.

Art. 21. That the rights and privileges of the royall burroughs in Scotland, as they now are, do remain entire after the Union and notwithstanding thereof.

#### Anent electing members for burghs.

29th January. Then the parliament proceeded to the consideration of the manner in which the burghs shall elect their representatives to the House of Commons of Great Britain; whereupon severall schemes being given in and read in relation to the manner of the said election; after reasoning thereon and upon the number of the districts that shall be appointed for making of the said elections, and upon a motion that the burgh of Edinburgh by it self shall have alwayes one representative, the vote was stated, whither the burghs shall be divided into three districts or fifteen

A.D. 1707.

(reserving intire the motion as to the toun of Edinburgh its having one representative by itself) and it carried fifteen. Then the vote was put if the burgh of Edinburgh by itself shall have one representative or not and it carried one. Thereafter a scheme dividing the burghs into fifteen districts, each of which districts is to have one representative, was givin in and read and is as follows:—The burghs of Kirkwall, Week, Dornock, Dingwall and Tayne, one. Fortrose, Inverness, Nairn and Forress, one. Elgin, Cullen, Banff, Inverury and Kintoir, one. Aberdeen, Bervie, Montrose, Aberbrothock and Breichen, one. Forfar, Perth, Dundee, Cowper and St. Andrews, one. Craill, Kilrennie, Anstruther Easter, Anstruther Wester and Pittenweeme, one. Dysart, Kirkcaldie, Kinghorn and Burntisland, one. Inverkeithen, Dumfermling, Queensferry, Culross and Stirling, one. Glasgow, Renfrew, Rutherglen and Dumbartan, one. Edinburgh, one. Haddington, Northberwick, Dunbar, Lawder and Jedburgh, one. Selkirk, Peebles, Linlithgow and Lanerk, one. Dumfreis, Sanquhar, Annan, Lochmaben and Kirkeudbright, one. Wigton, Newgalloway, Stranrawer and Whytehorn, one. And Ayre, Irvine, Rothesay, Campbelltoun and Inveraray, one. And after debate thereupon whither it should be approven or remitted to the Committee, the vote was put approve the scheme or commit and it carried approve.

## A P P E N D I X.

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### ADDITIONAL STATUTE OF KING JAMES VI.

#### PARLIAMENT HELD AT EDINBURGH.

Anent the gage and standert of salmound, hering and quheit fish, and principall  
stapillis thairof.<sup>1</sup>

22nd May  
1584.

19. ITEM, our Soverane Lord, with avise of the thrie estatis of this  
present parliament, ratefis and apprevis all and syndrie [acts and] statutis  
maid be his Hienes and his predecessoris concerning the measure of  
salmound, hering and quheit fish, gageing, burning and measuring thairof ;  
and to the effect the saidis actis may be the better kepit, and for eschewing  
of defraud of the saidis measuris and of fals and unjust paking of salmound,  
hering and quhit fish, quhilk is mekle usit be unfremen fisharis and  
utheris slayaris of the said fische, to the great hurt of [the fremen],  
burgessis and merchandis and haill commoun weill of this realme :  
Thairfair it is statute and ordinit that thair be ane just measure and  
standert for the salmound maid be the burrowis, conforme to the auld  
actis of parliament, and the samyn to remane at the burgh of Aberdene.  
And sicklike that thair be ane just standert and measure for hering and  
quheit fish, quhilk salbe brint, and remane in the keping of the provest  
and baillies off Edinburgh. And that all salmound treis, hering treis, and  
quheit fish treis, universallie throw the realme, salbe of the measure and  
gage foirsaid. And that ilk burgh soll ressave ane patroun of the gage  
and measure foirsaid and soll caus thair cowparis within thair boundis to  
mak thair treis conforme to the said measure and the same to be brint be

<sup>1</sup> This is the Act of Parliament (inadvertently omitted in its chronological order), referred to in the Act passed at Linlithgow on 10th December 1585; *antea*, p. 108, c. 11.

A.D. 1584.

the toune irne and cowparis irne on baith the endis and upoun the stop  
beside the bung. And incace ony salmound, hering or quheit fish be pakit  
in uther treis nor of the just gage foirsaid, brint and markit as said is, the  
samyn salbe eschaet to our Soverane Lord. And ordinis the principall  
stapill of salmound, fra Die north, to be at the burghis of Aberdene and  
Elgine. And the principall stapill of hering and quheit fish slane be the  
inhabitantis within the water of Forthe to be in Leithe, within the  
privileg and fredome of the burgh of Edinburgh and within the port and  
hevin of Creill. And the stapill of salmound, hering and quheit fish, slane  
benorthe Fyyisness to the Watter of Die, to be at Dundie or Perth. And  
that the saidis proveist and baillies of Edinburgh, Aberdene, Craill, Elgine,  
Perthe, and Dundie sall appoint ane discrete man to be visitour, wraker,  
gaggar and birnar of the saidis treis and appoint to him ane ressounable  
duetie of ilk last thairof for his lawbouris. That all unfremen fisharis and  
slayeris of hering and quhyt fish duelland within [the boundis of] the  
watter of Forthe, on baithe the syidis to the watter mouth of Tay, bring  
thair hering and quheit fishe, to be slane be thame in tyme cumming, to  
the portis of Leithe or Craill. And at the west syid to Air and Dum-  
britane, devidand the boundis betuix and the Clochestane, thair to be  
gageit, markit and sawld to the frie burgessis of this realme. And that  
na fisharis or utheris unfremen sell thair said hering or quheit fishe to ony  
strangearis or unfremen or carie the same furth of this realme to ony  
uther cuntreis to be sauld be thame selffis, under the pane of eschaeting of  
all thair movable guidis, the ane half to our Soverane Lordis use and the  
uther half to the burrowis quha sall convict thame be vertew of thair  
commissionis.

## **GLOSSARY AND INDEX.**



## GLOSSARY.

ABEILYEIT (27), dressed, apparelled.	AUCHT (4), ought ; (56), owing ; (103), eight.
ABILYEMENTIS (34), furnishings.	AUCHTAND (139), owing.
ABONE (4), above.	AÜCTENTILY (60), authentically.
ABUSIONE (32), abuse.	AULDE (32), old, former.
ACCORDIT (3), agreed.	AVALE (22), value.
ADOIS (121) business, affairs.	Aw (9), owns.
AIR (14), eyre, circuit court.	AWYSE (15), advice.
AITHE (4), oath.	
ALHALLOMESE (25), day of All Saints 1st November.	
ALIAY (47), alliance.	BÄNDIS (29), bonds, obligations.
ALLANERLY (3), only.	BARDIS (21) ; BAIRDIS (100), composers and singers of verses.
ALLUTIRLIE, ALL UTIRLIE (60), wholly.	BARGANE (19), fights, contends.
Als (6) as ; (64), also.	BARNIS (112), children.
ALSUA (4), also.	BASNETE (7), helmet.
ALSUEILL (3), as well.	BE (5), by.
AMERCIAMENT (13), fine, penalty.	BEANDE (8), being.
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